

**ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP
SUMMARY REPORT**

**Summary Report for the Arizona Law Enforcement Recordings
Work Group**

By

Jerry Lucente-Kirkpatrick, CRM

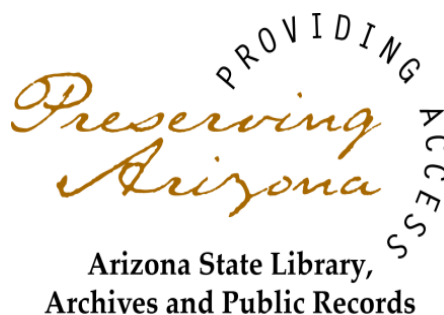
With

Contributions by Members of the
Arizona Law Enforcement Recordings Work Group

October 2015



MICHELE REAGAN
Secretary of State
State of Arizona



Suggested citation:

Lucente-Kirkpatrick, Jerry, CRM. (2014).

Summary Report for the Arizona Law Enforcement Recordings Work Group. Phoenix, AZ:
Arizona Secretary of State – Library, Archives and Records Management Department – Archives
and Records Management Branch.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

BRIEF BACKGROUND AND OVERVIEW OF THE ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

The Arizona Law Enforcement Recordings Work Group (ALERWG) was born out of the need, on the part of the Arizona State Library, Archives and Public Records (L.A.P.R.), to provide a retention period for Law Enforcement recordings, specifically those created by use of wearable technology, also known as body cameras, or body cams.

In response to this need, the L.A.P.R. created the ALERWG, and began soliciting members representing a broad scope of Law Enforcement (Law Enforcement) Recordings Stakeholders: Criminal Justice, Information Technology, Law Enforcement, Legal, Procurement, Records Managers and Risk Managers. We currently have 81 Members, and their information is detailed in Appendix A.

Final Product(s) of the Work Group

At our first Work Group meeting, we filled a Whiteboard front and back with questions, concerns and topics members wanted to see discussed by the Work Group. Retention of Law Enforcement recordings was first on the list, but so were other issues surrounding the use of Law Enforcement recordings.

Once the Work Group had created a records series and retention periods for Law Enforcement recordings, the Group debated what else the members wanted to see accomplished. Members saw the Work Group resulting in the following three products:

- Accurate summary of the discussions, considerations and work of this Group, that could be used to guide similar Law Enforcement recordings Work Groups, Study Groups, etc.
- Provide guidance so that other Arizona public bodies that will be considering the implementation of Law Enforcement recordings and equipment, do not need to reinvent the wheel, and can benefit from the pooled experience, expertise and knowledge of this Work Group.
- Serve as a public relations tool that can answer the public's questions, and illustrate the detailed, logical, and well-thought out process Arizona Law Enforcement Agencies go through before implementing Law Enforcement recordings and equipment.

What the Work Group Chose Not to Consider

The topic of Law Enforcement Recordings use in Arizona had already been covered in a very good work titled, *Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department*, by Katz, Charles M., David E. Choate, Justin R. Ready, & Lidia Nuño, Center for Violence Prevention & Community Safety, Arizona State University, Phoenix, AZ. (December 2014)

This publication came out just as we were in the process of forming our Work Group, and eliminated the need for us to reduplicate the excellent work already done by these authors. The following is a list of subjects the Work Group decided did not need to be discussed, and the reasons why we reached that decision:

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- **Considerations of whether to implement Law Enforcement recordings or not**
At this point, Law Enforcement Agencies nationwide were already moving toward implementing Law Enforcement recording systems, and no longer seemed to be debating whether they should or shouldn't incorporate Law Enforcement recordings as a tool.
- **Impact that Law Enforcement recordings have had on the Agency, community, public, press, etc.**
The publication, *Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department*, already covered this topic.
- **Expectations of Law Enforcement and public with Law Enforcement recordings**
The publication, *Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department*, already covered this topic.
- **Vendors and equipment**
In Arizona, most of the Law Enforcement Agencies that had already instituted a Law Enforcement recording program were using the same vendor. There seemed to be no need to further discuss either vendors or equipment since these topics had been thoroughly covered elsewhere.
- **Storage solutions**
In Arizona, many of the Law Enforcement Agencies with a system already in place procured their equipment and storage solution as a single package. There seemed to be no need to discuss this matter further.

Summary of Meetings and Discussion Topics

The Work Group has held a total of five (5) meetings, as both the full Work Group and the following three subgroups: Retention, Redaction and Privacy, and Recordings and Architecture (IT). The Work Group has discussed the following topics during the course of meetings:

- Main questions, issues and challenges posed by Law Enforcement Recordings;
- Scope and definition of "recordings;"
- Minimum retention period needed for recordings;
- Questions dealing with retention;
- Challenges posed by access to, or sharing of recordings;
- Risk Management concerns over recordings;
- Privacy concerns vs. redaction of recordings;
- Redaction guidance for recordings;
- Vendor vs. in-house storage of recordings;
- Requirement for equipment used to create recordings;
- Storage system requirements for recordings;
- Procurement aspect of a statewide contract for procuring recording equipment and services;

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- Discussion on including License Plate Readers (LPR) and Closed-circuit television (CCTV) recordings in the records series for Law Enforcement Recordings;
- Following SB1300 (Body Camera Study Committee);
- Discussions of relevant articles, policies, processes and reports on Law Enforcement Recordings.

The remainder of this Summary Report will be broken down into:

Five (5) sections

Records Retention

Privacy and Redaction

Risk Management

Technology and Procurement

Detailed History

Six (6) Appendices:

List of Work Group Members

Member Law Enforcement Recordings Policies / Processes

Applicable Arizona Revised Statutes (ARS)

Links to Recommended Resources and Tools

Detailed Summary of Work Group Meetings

Meeting Agendas and Notes

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RECORDS RETENTION

During our first meeting, we discussed the differences between recordings that would prove valuable and worth retaining, and those recordings that would not warrant continued retention. We arrived at the decision to divide recordings into one of two categories based upon their purpose: Observation or Evidence. Observation Recordings were later changed to Non-Evidence Recordings.

Recordings determined to fall into the Evidence category, are those recordings have been reviewed and determined to have content that could be needed as evidence for a court case, lawsuit, legal case, or notice of claim. Since these recordings will be used as evidence in a crime report and investigation record (law enforcement), case record, lawsuit, or notice of claim (legal), court case (judicial), or other related legal matter, they have been determined to be evidentiary in value.

Recordings determined to fall into the Non-Evidence category, are routine and transitory in nature. They have been reviewed and determined to have **no** content that could be needed as evidence for a court case, lawsuit, legal case, or notice of claim.

Minimum Retention Period

Once we had divided recordings into these two categories, then we began to question the **minimum** period of time these recordings would need to be retained. How long would you need to retain these recordings, at a minimum, in order to make the determination that they could serve evidence? How long would we need to retain recordings, at a minimum, if they could serve no further value as evidence?

Under the Arizona Revised Statutes (ARS), persons have 180 days to file a claim against a public entity or public employee:

12-821.01. [Authorization of claim against public entity or public employee](#)

A. Persons who have claims against a public entity or a public employee shall file claims with the person or persons authorized to accept service for the public entity or public employee as set forth in the Arizona rules of civil procedure **within one hundred eighty days after the cause of action accrues**. The claim shall contain facts sufficient to permit the public entity or public employee to understand the basis on which liability is claimed. The claim shall also contain a specific amount for which the claim can be settled and the facts supporting that amount. **Any claim that is not filed within one hundred eighty days after the cause of action accrues is barred and no action may be maintained thereon.**

The Work Group decided to use this 180 day period as the minimum period of time needed to determine if a recording might be used as Evidence. If a claim was not filed within 180 days, then the recording could be categorized as Non-Evidence, with no further need for retention.

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With the decision to use ARS 12-821.01 as the foundation for our minimum retention period, we needed to determine how much additional time was required to be added to this minimum of 180 days. The purpose of this additional time was to allow a Notice of Claim filed at 5:00 pm on the 180th day time to then safely move internally within the Public Body from the point where the Claim was filed to the point where the Law Enforcement recordings are being held. We wanted to ensure that recordings would not be destroyed during the time it took this Claim notification to move where the notification was most necessary to prevent deletion of the corresponding recording(s).

One of our members asked this question of Risk Managers, and they proposed a minimum retention period of 200 days. Many members of the Work Group wanted to stick to a strict 180 day minimum. The L.A.P.R. staff in charge of Records Management recommended a “safe” minimum retention period of **185 days**, and this is what was decided.

Records Series Format

During first meeting of the Retention Subgroup, we reviewed several possible formats for the Law Enforcement Recordings records series and retention period. The Work Group decided to follow the format use by the Alabama Department of Records. This format best fit our decision to divide the Law Enforcement Recordings into two records series: Non-Evidence or Evidence.

The Work Group also decided that there would be no new records series and retention period for Redacted Recordings, since these will be fit under an existing records series:

Administrative Records General Retention Schedule

“General Correspondence, including *public records requests*...after administrative or reference value has been served.”

Maximum Retention Period

During the course of the ALERWG meetings, the L.A.P.R. made the decision to move back toward retention periods that are both the minimum and maximum periods of time records must be retained prior to disposition. The L.A.P.R. proposed creating a retention period for Law Enforcement recordings that include a minimum period of time (185 days) and a maximum period of time.

After internal discussions, the L.A.P.R decided to issue the following statement to the retention period for Non-Evidence Recordings, “These recordings may be retained longer if there is a legal reason to do so.” This will allow each Public Body to determine how long they need to retain these recordings, past the 185 day retention period, on a case by case basis.

The records series for Law Enforcement Recordings, and the required retention period(s) for each type of Recording follows in standard Retention Schedule format. This records series will be added to the Law Enforcement Records General Retention Schedule. The L.A.P.R. would like to issue this new retention information at the earliest opportunity. Once the ALERWG agrees to the following, then the L.A.P.R. will revise the Law Enforcement Records Schedule, and issue the Schedule to All Public Bodies.

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3.	<p>Law Enforcement Recordings Law enforcement recordings are audio and video records created by law enforcement for investigative purposes.</p> <p>This definition does not include law enforcement created recordings addressed by other retention schedules.</p> <p>a. Evidentiary Recordings These recordings have been determined to have content relevant to an investigation or prosecution.</p> <p>b. Non-Evidentiary Recordings All other law enforcement recordings.</p>	<p>-</p> <p>185 days</p>	<p>Retention period begins on actual date of recording.</p> <p>After disposition of underlying case, follow the retention period required by the corresponding <i>Criminal Reports and Investigation Records</i>.</p> <p>Disposition includes declination of prosecution, dismissal, sentencing, and expiration of statute of limitations.</p> <p>After actual date of recording.</p> <p>These recordings may be retained longer at the state or local agency's discretion.</p>
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PRIVACY AND REDACTION

During the first Subgroup meeting on Retention, the Work Group discussed access to public records, including Law Enforcement Recordings. We continued this discussion at the first Subgroup meeting of the Redaction and Privacy Subgroup. The Work Group's first discussion was an attempt to find out how Privacy and Redaction were related in actual practice by Law Enforcement Agencies, and whether the Work Group needed to issue guidance on privacy concerns.

On the topic of Privacy, the Work Group considered the following questions:

- **What comes first – Privacy (when not to record) or Redaction (record but redact later)?**

The Work Group decided that this particular Group did not have the authority to determine Law Enforcement Recordings policy.

- **Do we need to balance Privacy (when not to record) and Redaction?**

Several members stated that each specific Municipality or County, and their Agency Policies, will best determine when and where to record.

- **Is there a balancing test?**

Yes, but should be Agency specific

- **If so, what is the balance?**

Agency Policies will best determine what and when to record.

- **Do we want to recommend “when not to record” / Privacy guidelines?**

One approach, used briefly by one Member's Agency, was to stop recording personally identifiable information (PII) and resume recording when PII has been gathered.

General Work Group consensus was that this Work Group is not the place to make these determinations.

- **What are others in the US / internationally doing with this?**

General Work Group consensus was that Privacy considerations need to be with each Agency's specific Policy regarding Privacy guidance on Law Enforcement Recordings.

Redaction Instead of Privacy

After the above discussion on the relationship between Privacy and Redaction, the Work Group decided to leave Privacy issues up to each individual Law Enforcement Agency to determine, based upon local statutes, codes, etc.

Instead of considering universal privacy concerns that would determine when to film, what to film, who to film, etc., it was decided that Law Enforcement would record what they deemed necessary, and then later redact recordings based upon some consistent code.

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The Work Group discussed the following general principles when considering Privacy implications of Law Enforcement recordings, and decided that decision on whether to allow or deny access to recordings should be based upon:

- Public Records Request laws (ARS Title 39);
- Arizona Privacy / Protection laws;
- The requirement that Law Enforcement apply exceptions to disclosure judiciously;
- An LE officer may note in report that suspect / witness has concerns over the privacy of the recording;
- There is no Arizona-wide requirement to accept and decide upon the concerns of the public that recordings may be confidential.

In the place of privacy considerations governing recording restrictions, Law Enforcement would employ Redaction as its solution to Privacy and Access. Work Group guidance on Redaction is based upon the Arizona Revised Statutes, Arizona Constitution, Federal Code of Regulations, and Public Records Statutes (Title 39) balancing tests aimed at the protection of privacy vs. the public's right to know.

Guidance on When / What to Redact

The following guidance is in alphabetical order:

1. Confidential Informants protection. (ARS § 41-1378)
2. "Eligible Persons" Information Protected (ARS § 39-123; ARS § 28-454).
3. Juvenile Rights for Recordings (ARS § 1-602.9).
4. Medical Information – only if a Health Insurance Portability and Accountability Act (HIPAA) covered entity (HIPAA restrictions – 45 CFR Part 160, etc.).
5. Parents Rights (ARS § 1-602).
6. Student Records and Information (ARS § 15-141).
7. Victim Rights (AZ Constitution Article 2, section 2.1; ARS § 13-4434).
8. Address Confidentiality Program (See ARS § 41-165; ARS § 41-166).
9. Right to Privacy / Best Interests of the State - under Public Records Request concerns. (These should not be used as a single reason to redact, but as a relevant factor to consider in balance with the public's right to know.)
 - Graphic recordings (Flagstaff recording of Officer killing).
Should consider City of Phoenix case where release of a 911 recording (with a child in distress heard in the background) was denied, but a full transcription of the 911 recording was provide in place of actual recording. Transcription was a good balance between protections of privacy vs. the public's right to know.
 - Medical information that is discussed or viewed on recording.
 - Nudity (age of victim should be considered – child pornography).
This might be covered under Due Process Considerations – Rights of Familial Association.
 - Recordings which take place somewhere that the public has no right to access.
 - Sensitive subjects (overly graphic details, homeland security discussions, investigation interviews, tactical details).

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RISK MANAGEMENT

We have one Work Group member that works as a Risk Manager, and she was able to provide a list of questions she, and some of her public body Risk Managers, had discussed regarding Law Enforcement recordings.

These questions are great for several reasons:

1. These are valid questions regarding Law Enforcement recordings that should be asked and answered by all public bodies using, or considering using, such recordings.
2. These are questions that the public is asking with regard to Law Enforcement recordings. Providing answers to these questions can help the public better understand the complex issues surrounding Law Enforcement recordings.
3. Law Enforcement, in most cases, has already asked and answered these questions, and they are usually documented in Law Enforcement recordings policies.

The public's concerns over Law Enforcement recordings have been documented in numerous articles during 2014 and 2015.

General Concerns by Public

- Close-ups allow for facial recognition;
- Access inside private homes;
- Access to sensitive situations / interactions;
- Need to balance Privacy concerns vs. Public's Right to Know / Transparency.

Risk Management Concerns / Questions and Work Group Answers

The Work Group found one publication to be exceptionally helpful when considering the risk management questions for Law Enforcement recordings. Especially, Chapter 2: Considerations for Implementation, from *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, produced by Department of Justice - Community Oriented Policing Services (COPS) and the Police Executive Research Forum (PERF).

This Chapter proved to be a great stimulator of conversation. This Chapter, and our discussion, also helped address most of the Risk Management Questions that will follow.

Given the importance of the following questions, and their answers, it is the recommendation of the Work Group that the following questions / issues be addressed by each Law Enforcement Agency in Policy. While the Work Group does not believe it is within our scope to create binding policies and procedures, we do recommend addressing these issues in policy and providing your own unique solutions.

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What compliance mechanism is in place to enforce when the recording equipment is turned on and when it is to be turned off?

- Among the Work Group members' Agencies, none of them require 24/7 recording of their shifts.
 - Law Enforcement Recordings Policy should expressly describe when to record and why.
 - All members require officers to record Law Enforcement incidents, activities and encounters.
 - Policy should define "incidents, activities and encounters".
 - Policy should cover which incidents are not to be recorded.
 - Should have specific lists of these incidents, and these may vary by public body.
 - Policy should cover which situations are not to be recorded.
 - Should have specific lists of these situations, and these may vary by public body.
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- Officers are not required to record if it would be unsafe, impossible or impractical.
 - Ask officers to document (on recording, in writing) the reason(s) why recording equipment is deactivated if officer should have been recording an incident, activity or encounter.

What guidance is available regarding asking for consent prior to recording an individual or activity?

Arizona is a "one-party consent" statute State. As such, it is permitted for individuals to record conversations to which they are a party without informing the other parties that they are doing so. As long as you are a party to the conversation, it is legal for you to record it.

Arizona Law Enforcement Agencies have the following "advise and consent" practices for Law Enforcement when recording individuals or activities:

- Officers are required to advise parties;
- Officers are encouraged, but not required to advise;
- If Officers are asked, then they should advise;
- When it is practical, the Officer should advise.

The main reason for Law Enforcement recordings "advise and consent" practices is the fact that people tend to behave better if they know they are being recorded.

What guidance is available when recording inside a person's home?

When asked, Work Group members supported the fact that if an Officer is lawfully allowed to be in a place / home / location, then it is considered permissible to record. If an Officer has been asked to respond to a call inside a home, then they have the right to record inside the home.

Some articles reviewed by the Work Group stated that one of the major concerns by the public when Officers are recording in their homes is the risk that the recording might be available to the public under a Public Records Request.

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One of the most important aspects of Law Enforcement recordings becomes the **storage system** for these recordings. The Work Group emphasized the need for answers to the following questions:

- Explicitly state who is authorized to access recordings
- Under what circumstances can they access recordings?
- Consult with your Legal department.
- Detail how videos are uploaded – secured line, Wi-Fi, etc.
- Detail how videos are tagged.
- Who tags videos?
- When do videos need to be tagged?
- Specify when videos must be downloaded into storage.
- Specify who will download videos.

What compliance mechanism is in place regarding Law Enforcement Officer descriptive tagging / indexing of Law Enforcement recordings for later retrieval purposes? One suggestion is reducing time by using drop down lists.

Agencies vary on the timeframe when officers must tag their recordings. The most commonly used website for redaction of Law Enforcement recordings in Arizona is Evidence.com. This website is usually purchased as a package, along with Taser recording equipment, and allows for customization on the amount of information that's tagged based on the agency and the package purchased through vendors.

When will tagging / indexing of recordings occur? Law Enforcement Officers may be tired at the end of their shift versus too busy during their shift.

Some Agencies have policies that require Officers to tag their recordings at the end of the shift; others can tag on scene or via their Computer Assisted Dispatch (CAD) systems. Tagging can also occur upon upload of recording, or may be automatically tagged through CAD system by matching with DR and the call an officer was sent on.

What specification will provide the most accurate and reliable data?

This question will best be addressed in the following section on Technology.

Who has access to the recordings data? (An officer, supervisor, data administrator, prosecutor, IA?)

Most Work Group Member Agencies, by Policy, provide Agency Access to Law Enforcement Officers, Prosecutors, but more limited access to Supervisor Review and Admin staff. Access is limited to six (6) per month for the Patrol Standards, for audit purposes. Access is also limited to six (6) per month for the Professional Standards, for audit purposes.

Who else has viewing rights to recordings, and when? (Anytime or just prior to a court case / interview?)

In addition to the above, access is provided to the Officers who created the recordings, the data admin person, and anyone the admin person gives short-term access to the recordings.

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Who can edit / modify recordings?

Evidence.com is roles based, where access / viewing / editing / deletion rights are based on individual permissions. All access history to recordings is logged and retained by the system as a protection, and in support of chain of custody.

Who has data deletion / copying rights?

For most Agencies, this is specified in Policy. Some Work Group Member Agencies, in order to delete recordings, require a Memo to Lieutenant, who submits memo to Professional Standards for review with civil unit before making decisions about any detention of recordings.

What requirements are in place regarding redaction of Law Enforcement recordings? Is redaction based upon Public Records Requests statutes and Freedom of Information Act (FOIA) Codes versus local laws and Municipal Code, and / or time constraints in place regarding the delivery of requested recordings?

Whether Law Enforcement recordings are redacted often depends upon who's requesting the recordings. If recordings are being requested by, or provided to Municipal or County Deputy Attorneys, they are usually not redacted, and the recordings are provided in their entirety.

Most Law Enforcement Agencies in Arizona are using Evidence.com for hosting their recordings. Evidence.com maintains the original recording plus all redacted versions of the same recording. Redactions are displayed as an overlay on top of the original recording, but can be separated out from the original. Often, there are multiple recordings for a single event if more than one Officer is called onto the scene.

As use of Law Enforcement recordings becomes more standard and widespread, many Law Enforcement Agencies find the need to employ one staff person full time just to redact recordings.

What are the Law Enforcement Officer's privacy rights?

There is usually a written protocol in place regarding Officer Privacy rights. From a Public Records point of view, Officers are covered by the "Eligible Persons" exceptions listed in ARS Title 39.

Has Law Enforcement Agencies considered the public's perception of recording programs? Have they addressed the public's questions on why record in the first place and what will the recordings be used for?

The Work Group considers communicating the Agency's Disclosure Policy to the public to be an important step in building an understanding by the public of Law Enforcement recording practices.

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Has Law Enforcement considered the public's privacy rights? (These concerns would include recording of innocent family members / co-workers / someone walking down the street; recording in homes / offices; accidental recording of confidential informant / witness, etc.)

Most Work Group Member Agencies make it a policy to redact all Personally Identifiable Information (PII). Most consider recordings made in a Public space to be releasable to the general public. Recording made in private spaces would be releasable only to Prosecutors.

What training is required on the use by Officers of Law Enforcement recordings?

Some Law Enforcement Agencies currently provide training on:

- Software used in recording / editing;
- Recording equipment / technology;
- Redaction process;
- Law Enforcement Recordings Policy.

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EQUIPMENT AND TECHNOLOGY

The Work Group discussed the aspects of Law Enforcement recording equipment, services and storage. But, in Arizona, most of the Law Enforcement Agencies that had already instituted a Law Enforcement recording program were using the same vendor. This particular vendor sold both the recording equipment and the storage solution for these recordings. There seemed to be no need to further discuss vendors and equipment / services since no statewide contract for this type of equipment or service exists

We briefly discussed the need for a statewide contract for Law Enforcement recordings equipment and services, but felt this was outside of the scope of this particular Work Group. That conversation is summed up in the following:

- Contract should follow the Los Angeles Contract awarded to Taser in the basics and pricing.
- LA has a contract with TASER where they have unlimited data storage and two plans:
\$99/month/camera: replace guns every 5 years and cameras every 2.5 years.
\$79/month/camera- no replacement of guns and cameras.
- We could try for a statewide contract through Arizona State Procurement Office.
- We could try for a contract for statewide use through local procurement:
 - Maricopa County or
 - Association Contract Organizations.
- Contractual language would need to include:
 - Retention
 - Long-term recordings needs:
 - Migration
 - Chain of Custody
 - Exit Strategy
 - Format considerations
 - Non-Proprietary

The Work Group discussed the advantages of in-house v. outsourced services and storage for Law Enforcement recordings and the following is a summary of our discussion:

Is there an advantage to using In-house storage of recordings?

Cloud Storage definitely seems to be cleaner and easier. In-house is not really practical considering the costs of Cloud storage via Evidence.com

Is there an advantage for using vendor storage of LE recordings?

Yes.

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If so, what are they?

Using evidence.com has the advantage because they're a one-stop shop as far as security, storage, etc. They are part of the most widely used equipment package, and work with the amazon web server. Because of the linked equipment and storage option, this makes purchasing this package option very attractive.

Vendors Discussion Topics

The Work Group developed the following list of topics that need to be considered when purchasing recording equipment and storage services:

- Major discussion factors: security, reliability, integrity of recording, cost, technical capacity;
- Explicitly prohibit data tampering, editing, and copying;
- Include protections against data tampering, editing and copying;
- Discuss provision of an audit tool for recordings storage;
- Discuss how videos are uploaded – secured line, Wi-Fi, etc.;
- Discuss how videos are tagged;
- Ensure system has reliable back-up;
- Discuss Third Party Vendor concerns with information privacy and security.

Contract Language Discussions

The Work Group briefly discussed contracting for Law Enforcement recordings equipment and services, and developed the following list of questions regarding the actual contract language.

All of these questions will need to be considered against the contracts currently in place with contracted vendors. Most of these questions could not be answered, and would need

Procurement Office involvement

- Ownership of recordings (records) while in storage;
- Retention of recordings (records);
- Safeguards for access / deletion of recordings (records);
- Exit strategy for recordings in storage;
- Language for “responsibility” if vendor deletes recordings.

Concerns related to the Hardware / Software selection for storing LE Recordings

Can or will the recordings storage system include the following:

- Provide a robust records retention program to meet evidentiary / non evidentiary time constraints?
- Allow redaction?
 - Redaction can be a problem if you have several videos to go through.
 - Redaction is the biggest time-consuming aspect of Law Enforcement recordings.
- Meet the demands for Chain of Custody purposes that will stand up in court?
- Provide an Audit Trail / Log of who viewed / modified / deleted video data?
- Can the data be shared across court systems and other operating platforms - with permission, of course?
- Will separate entities (Law Enforcement, Legal, Courts) each need to have their own licenses or agreements to use the same system?

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- Is the security layer single, double?
- Does security require a login?
- Who owns the data if using cloud computing?
- Is the data easily and *immediately* accessible, when needed?

Law Enforcement Recordings Architecture

All of the above questions became the basis for our Subgroup discussion on Technology and Architecture. This Subgroup developed the following list of important aspects of the Technology surrounding Law Enforcement recordings:

Evidence Management v. Video Management

- Bank on LA deal
- Standardize contracts
- Standardize for AZ retention periods
- Cost must be unlimited storage
- Assured playback
- Best terms assurance
- Exceptions to save longer

Warranty and Contracts

- Device failures and spares;
- 10% spare rate
- Disengagement terms (exit strategy)
- Output format
- Massive method
- AWS
- Playable and openable save method and standards
- How to ensure preservation of native file

Configuration

- Feeds with Spillman / New World / Intergraph
- Support for Call and Disposition support for when calls escalate
- Video categorization by officers moot if CAD has data
- Mobile devices with wireless connection to MDC
 - Pictures
 - Tools
 - Video
 - Interviews
- Redaction tools essential
- Evidence management tools
- Native saves and layer saves with redaction
- Time stamping must match CAD/RMS

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Public Records Requests Considerations

- Need guidelines from courts can we share
 - Minors, health situations, corporate information, vice officers, informants
 - Masked information
 - Redaction types
 - Secure location = No sharing
- Redaction is time consuming
- Standards for response
- Notification to other people and companies captured
- No activation and recording of cameras unless officer is in an unsafe situation and non-responsive; Officer initiated?
- Bio and personal activities are not a part of the public record; Okay to delete? How to standardize documentation?

QA and Practice Assurance Processes and Procedures

- Tactics
- Training scenarios
- Random audits
- Exceptional cases
 - Lawsuits
 - Deaths
 - Use of force
 - Accommodations

Administration Rules

- Command staff
- Officers
- Evidence Managers
- Legal
- Risk
- IT
- Public

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Other Considerations

- Transcription tools
- Voice to text
- Dual on-body and on-dash uses
- In police car recording of “guests”
- Response time requirements for equipment support, fulfillment, and supply
- Regional Evidence and Video Management Agency
- Fees for video requests; Consistency of response in timing and visuals

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APPENDIX A

ARIZONA GOVERNMENT LAW ENFORCEMENT RECORDINGS WORK GROUP MEMBERSHIP LIST

Arizona Criminal Justice Commission

Jon Moreno	CJ Systems Program Coordinator
Marc Peoples	Program Manager, CJ System Improvement

Arizona Ombudsman Citizen's Aide

Kathryn Marquoit	Assistant Ombudsman for Citizen Access
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Arizona State University

Professor David Choate	Director, Center for Violence Prevention and Community Safety
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City of Avondale

Rob Lloyd	Chief Information Officer	Information Technology
Kimberly Martinez	Budget / Records Manager	Police Department
Linda Mendenhall	City Records Manager	City Clerk
Steve Tillman	IT Administrator Unix/Windows	Information Technology

City of Casa Grande

Frank Alanis	Lieutenant, Support Services	Police Department
Galen Flynn	Sergeant, Special Operations	Police Department

City of Chandler

Doug Reed	Support Services Manager	Police Department
Edward Upshaw	Police Commander	Police Department
Tom Zaworski	Assistant City Attorney	Attorney's Office

City of El Mirage

Matthew Ecker	Administrative Officer	Police Department
Randy Stewart	Sergeant	Police Department
Suzanne Stites	Records Manager	Police Department

Town of Gilbert

Breena N. Meng	Assistant Town Attorney	Attorney's Office
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City of Glendale

Kent Strege	Technical Services Administrator	Police Department
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City of Goodyear

Lisa Wahlin	Assistant City Attorney	Attorney's Office
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League of Arizona Cities and Towns

Christina Estes-Werther	General Counsel	
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Maricopa County

Rebecca Baker	Operations Bureau Chief	Attorney's Office
Ken Booker		Sheriff's Office
Joe Branco	Deputy County Attorney	Attorney's Office
Dave Davis		Sheriff's Office
Lisa Nash	County Records Manager	Procurement Services
Debbie MacKenzie	Analyst / Custodian of Records	Attorney's Office
Stephanie Molina	Professional Standards Bureau	Sheriff's Office
John Shamley	Commander, Property Management	Sheriff's Office
Tiffani Shaw	Compliance Division Commander	Sheriff's Office
Brian Stutsman	Commander	Sheriff's Office
Kimberly Thompson	Legal Liaison Section, Compliance	Sheriff's Office

City of Mesa

John Belatti	City Attorney	Attorney's Office
Jacqueline Ganier	City Attorney	Attorney's Office
James McClellan	Detective	Police Department
Lee Rankin	Lieutenant	Police Department
Alfred Smith	Deputy City Attorney	Attorney's Office
Marc Steadman	City Attorney	Attorney's Office
Daniel Stegenga	Sergeant, Technology and Innovations	Police Department

City of Page

Joseph D Estes	City Attorney	Attorney's Office
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City of Peoria

Linda Blas	Deputy City Clerk	City Clerk
Heather Morrell	Police Records Supervisor	Police Department
Theresa Brenholt	Business Analyst	Police Department
Mary Stefaniak	Police Officer	Police Department

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City of Phoenix

Daniel Chacon	City Clerk's Records Management	City Clerk
Sharon Haynes	Assistant Chief Counsel	Attorney's Office
Sandra Hunter	Assistant Chief Counsel	Attorney's Office
Mike Kurtenbach	Commander	Police Department

City of Prescott

Joyce Marshall	Police Records Supervisor	Police Department
Kim Webb	Deputy City Clerk	City Clerk

Town of Prescott Valley

Diane Russell	Town Clerk / Risk Manager	City Clerk
Christy Tieman	Administrative Supervisor	Police Department

Department of Public Safety

Pete Borquez	Captain	
Terri Fuentes	Records Officer	

Town of Sahuarita

Julie Rosales	SAO / SSO	Police Department
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City of San Luis

Angelica Cifuentes		
Sonia Cornelio	City Clerk	City Clerk
Derek Duenas	Information Technology Technician	Information Technology
Elizabeth Garcia-Bonilla	Records Administrative Coordinator	Police Department
Melissa Lopez		
Andrea Moreno	Police Administrator	Police Department
Kay Macuil	Assistant City Attorney	Attorney's Office

City of Scottsdale

Mark Bracht	Police Sergeant	Police Department
Darcy Nichols	Police Records Manager	Police Department
Larry Marmie	Lieutenant (Patrol)	Police Department

Secretary of State's Office

Jerry Lucente-Kirkpatrick, <i>Chair</i>	Records Analyst	L.A.P.R. – ARM
Mayu Muralidharan	Records Analyst	L.A.P.R. - ARM
Dennis Preisler	Deputy Director	L.A.P.R. - ARM
Linda Reib	Digital Archivist	L.A.P.R. – ARM
Melanie Sturgeon	State Archivist/State Records Officer	L.A.P.R. - ARM

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City of Surprise

Norma Chavez	Records Supervisor	Police Department
Rebecca Leszcynski	Records Technician	Police Department
Terry Young	Assistant Police Chief	Police Department

City of Tempe

Bill Amato	Police Legal Advisor	Police Department
Angelique Watson	Technical Services Administrator	Police Department

City of Tolleson

Tonia Rogers, ENP	Support Services Manager	Police Department
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City of Tucson

Lynn Jung	Records Superintendent	Police Department
Lisa Judge	Assistant City Attorney / PD legal advisor	Attorney's Office
Brett Kaczynski	Police Officer	Police Department
Joe Puglia	Lieutenant, Admin Services Bureau	Police Department
Michael Silva	Assistant City Attorney / PD legal advisor	Attorney's Office



City of Yuma

Rod Hamilton	Police Captain	Police Department
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APPENDIX B

POLICIES ON RECORDINGS FROM ARIZONA LAW ENFORCEMENT AGENCIES

	MARICOPA COUNTY SHERIFF'S OFFICE	
	Policy & Procedure	Joseph M. Arpaio – Sheriff
	Subject BODY-WORN CAMERAS	Policy Number GJ-35 Effective Date 06-24-15
Related Information		Supersedes NEW POLICY

PURPOSE

The purpose of this Policy is to establish a standardized system for creating, impounding, retaining, and destroying audio and/or video recordings made with body-worn cameras during investigative or law enforcement activities and contact with members of the public.

Although this Policy refers to “deputy” throughout, it applies with equal force to reserve deputies.

POLICY

It is the policy of the Office to provide guidelines and direction for the use of body-worn cameras and to promote an atmosphere of professionalism while enhancing community trust.

DEFINITIONS

Body-Worn Camera Recording: Any recording created using a body-worn camera, including any captured sounds, images, and/or associated metadata.

Controller: A battery pack that also contains the body-worn camera’s on/off activation switch.

Course and Scope of Employment: Employee work or actions, whether performed on or off duty, to further the Office’s law enforcement responsibilities and goals, as authorized by law, statute, or departmental policies, procedures, rules, and training.

Critical Incidents: Any incident that involves the use of force by an employee resulting in death or serious physical injury, the intentional discharge of a firearm by an employee in the performance of his lawful duties, or the death of a prisoner or inmate, by any means, while in the custody of the Office, as specified in Policy GJ-2, *Critical Incident Investigations*.

Deputy: A deputy sheriff or reserve deputy.

Digital Recording Device: Any device designed to record, transmit, or receive voice communications, sound, video, or photographic images, including but not limited to, cellular telephone, digital audio recorders, and digital video recorders.

Division: A component of the Office that may be made up of a district, facility, unit, or section.

Employee: A person currently employed by the Office in a classified, unclassified, full-time, part-time, contract, or probationary status.

Event Mode: The mode that activates the body-worn camera’s recording function.

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Evidence Transfer Manager: The docking station that uploads data and recharges the camera and controller.

Exigent Circumstances: The sum of the conditions and information available in any event which, taken in their totality, dictate a need for immediate action.

Program Administrator: The sworn Advanced Officer Training Commander having oversight responsibilities of the Body-Worn Camera Program.

PROCEDURES

1. **Purpose of a Body-Worn Camera:** Body-worn cameras provide audio and video documentation of a deputy and supervisor's investigations and actions from the first-person perspective. The use of body-worn cameras is expected to encourage professionalism, enhance community transparency, strengthen public trust, assist in reaching a proper determination with regard to public complaints, and reduce administrative time and cost of investigating complaints.
2. **Equipment:** The only body-worn camera authorized by the Office is TASER® AXON Flex™, unless otherwise directed by the Sheriff, or his designee.
3. **Operational Guidelines:** The Program Administrator shall assign a body-worn camera and accessory kit to individual deputies and supervisors who have completed approved training, including all patrol deputies and patrol sergeants who make traffic stops. No personally owned cameras are authorized. The Program Administrator shall maintain a record of the inventory.
 - A. Deputies and supervisors shall maintain their body-worn cameras and are responsible for proper care and use of the camera.
 1. Deputies and supervisors shall inspect the body-worn camera for any physical damage and ensure the device is in working order at the beginning and end of each shift.
 2. Any lost, stolen, damaged, or non-functioning cameras shall be documented in a memorandum and reported to the Program Administrator through the chain of command.
 3. The Program Administrator shall provide each division with a supply of auxiliary cameras to utilize in the event that an issued camera is lost, stolen, damaged, or non-functioning. The Program Administrator shall maintain a record of auxiliary cameras at each division.
 - a. The division commander, or his designee, shall maintain an inventory of the auxiliary cameras assigned to his division and maintain a check-out log sheet that shall be reviewed daily.
 - b. If a deputy or supervisor cannot use his originally-issued camera, he shall check out an auxiliary camera prior to going on duty. If the need for an auxiliary camera arises during a shift, the deputy or supervisor shall immediately contact his supervisor, or in the case of a supervisor, another supervisor, to advise him of the circumstances and to receive direction for obtaining an auxiliary camera. The auxiliary camera shall be used until the originally-issued camera is operational.
 - B. Deputies and supervisors shall place the body-worn camera in Event Mode during investigative or law enforcement activities that involve calls for service or interacting with members of the public, unless exigent circumstances make it unsafe or impossible for the deputy to do so; officer safety is the primary concern. If exigent circumstances prevent the deputy or supervisor from activating

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the body-worn camera prior to responding to a call for service or interacting with a member of the public, he shall do so as soon as the exigency subsides. Once a body-worn camera is activated, deputies and supervisors shall continue to record until the completion of the event or until they have left the scene.

- C. Deputies and supervisors shall place the body-worn camera in Event Mode as soon as the decision to stop a vehicle is made. Once the body-worn camera is activated, deputies and supervisors shall continue to record until the completion of the traffic stop.
 - 1. Deputies and supervisors are only authorized to use a body-worn camera to record investigative or enforcement activities when responding to a call for service or when interacting with a member of the public. The activities to record include, but are not limited to:
 - a. Calls for service;
 - b. Pursuit or emergency driving;
 - c. Initiating and conducting traffic stops;
 - d. Contact with members of the public for investigative or enforcement purposes;
 - e. Detentions and arrests;
 - f. Impaired driver investigations;
 - g. Accident scenes;
 - h. Off-duty employment with the likelihood of conducting traffic enforcement;
 - i. Searches;
 - j. Statements made by suspects, victims, and witnesses; and
 - k. Advising of Miranda Rights
 - 2. Deputies and supervisors engaged in off-duty employment with the likelihood of conducting traffic enforcement shall check-out a body-worn camera, if one is not currently assigned to them, following the procedures, as described in this Policy, from the nearest substation and return the camera the same day. All aspects of this Policy apply with equal force to the use of body-worn cameras during off-duty employment.
 - 3. Additional deputies and supervisors arriving to a scene shall place their body-worn cameras in Event Mode immediately upon arrival, unless exigent circumstances make it unsafe or impossible to do so. If exigent circumstances prevent a deputy or supervisor from activating the body-worn camera immediately upon arriving to a scene, he shall do so as soon as the exigency subsides. Additional deputies and supervisors arriving to a scene shall continue to record until the completion of the event or until they have left the scene.
 - 4. When a body-worn camera is in Event Mode, all other Office employees on scene shall be advised as soon as practical that the device has been activated.

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5. Deputies and supervisors are not obligated to inform members of the public on scene of the use of a body-worn camera. If asked by a member of the public, the deputy or supervisor shall state that the body-worn camera is in use.
- D. The use of a body-worn camera shall be documented in all *Incident Reports* (IRs) and noted on all traffic receipts, if applicable. The reasons for any non-use or interruptions in the recording prior to the completion of an event shall also be documented in the IR and/or traffic receipt, if applicable.
- E. Deputies and supervisors who fail to activate and use their body-worn cameras or who fail to notify their chain of command and Program Administrator of lost, stolen, damaged, or non-functioning equipment shall be subject to discipline, as specified in Policy GC-17, *Employee Disciplinary Procedure*.
- F. Deputies and supervisors may use body-worn camera recordings to assist with all investigations and to complete all reports, other than recordings of critical incidents.
- G. Critical Incident Procedure:
 1. In the event of a critical incident, deputies and supervisors creating the recording shall not view any recordings prior to completing and submitting the appropriate reports and being interviewed by investigators. Under exigent circumstances, this requirement does not prevent review of a recording when viewing it will assist with the apprehension of fleeing suspects.
 2. The on-scene investigator or supervisor is responsible for:
 - a. Securing the deputy or supervisor's body-worn camera if the deputy or supervisor was involved in the critical incident; and
 - b. During the review/analysis period, the deputy or supervisor shall be provided an auxiliary camera. The issuance of an auxiliary camera shall be coordinated with the division commander, or his designee.
 3. Once a deputy or supervisor's report has been submitted and approved and the interview has been conducted, the investigator may show the deputy or supervisor the recording. This shall occur prior to the conclusion of the interview process. The deputy or supervisor shall be given the opportunity to provide additional information to supplement his statement, and he may be asked additional questions by the investigator.
- H. Deputies and supervisors may review body-worn camera recordings before making any statements in an administrative investigation unless otherwise decided by the Sheriff, or his designee, or unless it hinders the investigation.
- I. With approval from the Sheriff, or his designee, or the Training Division's Bureau Commander, the Training Division may use video captured by the body-worn camera for training purposes unless it hinders an administrative or criminal investigation.
4. **Use Restrictions:** Deputies and supervisors shall not surreptitiously record conversations involving other employees, unless the creation of a body-worn camera recording is in furtherance of an official investigation or prior approval for the creation of a recording has been obtained from a bureau commander, or his designee, as specified in Policy CP-2, *Code of Conduct*.

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- A. Deputies and supervisors shall not:
 - 1. Wear or use a personally owned video recording device in place of or in conjunction with their Office issued body-worn camera.
 - 2. Intentionally intercept a conversation or discussion at which he is not present or aid, authorize, employ, procure, or permit another to do so without the consent of a party to such conversation or discussion, in accordance with Arizona Revised Statutes (ARS) § 13-3005.
 - 3. Record a juvenile, except during or as part of a law enforcement investigation, as specified in the Parents Bill of Rights, ARS § 1-602(9).
 - 4. Record undercover operations, undercover deputies, or confidential informants.
 - 5. Use body-worn cameras in locker rooms, restrooms, or any other place where there is a reasonable expectation of privacy, unless in furtherance of a criminal investigation or call for service.
 - 6. Remove, dismantle, or tamper with any hardware/software component of the body-worn camera.
 - 7. Record in a courtroom except during critical incidents.
 - B. Posse members are prohibited from using any digital recording device, whether purchased by the posse member himself or his posse.
5. **Storage, Documentation, and Retention:**
- A. All body-worn camera recordings shall be retained and stored in www.Evidence.com.
 - B. At the end of each shift, deputies and supervisors shall place the camera and controller into the Evidence Transfer Manager (ETM) docking station to transfer the data into www.Evidence.com; supervisors shall ensure that deputies have properly placed the camera in the ETM and that the camera is charging and uploading data.
 - 1. The tagging of body-worn camera recordings with specific data elements, taken from Computer-Aided Dispatch (CAD), is compiled automatically on a nightly basis. The data elements include the deputy's first and last name, serial number, vehicle number, IR number if applicable, IR time if applicable, CAD event number, radio code type, incident location, Global Positioning System (GPS) coordinates, and call start and end time.
 - 2. The camera shall not be removed from the ETM until the recordings are uploaded and the battery is fully charged. This process clears the existing recordings from the camera memory.
 - 3. Deputies and supervisors shall not erase, alter, or tamper with any camera or collected recordings.
 - C. Deputies and supervisors requesting the deletion of a recording or portion of a recording due to inadvertent activation or continuation of Event Mode, including body-worn camera recordings, as specified in this Policy, shall submit a memorandum of explanation through the chain of command to their division commander for approval.

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1. The division commander shall review the identified portion of the recording to verify the explanation of the deletion request; if he approves the request, the division commander shall forward the memo to the bureau commander for secondary approval.
 2. The bureau commander shall conduct a secondary review of the recording to verify the explanation of the deletion request; if he approves the request, the bureau commander shall forward the memo to the Program Administrator to complete the request through www.Evidence.com.
 3. The memo of explanation shall be retained by the Program Administrator for three years.
 4. This provision does not apply to body-worn camera recordings created during traffic stops. Traffic stop video recordings shall not be deleted through any procedures until the period of time specified in this Policy has elapsed.
- D. All body-worn camera recordings shall be maintained for at least three years; if the recorded event results in a notice of claim, civil litigation, criminal investigation, or investigation by the Office or court-appointed monitor, the recording shall be maintained for one year after the final disposition of the matter, including appeals. In all cases, the longest retention requirement shall control.
6. **Dissemination:** All body-worn camera recordings of investigative or enforcement actions related to the course and scope of employment made with a body-worn camera are the property of the Office and are considered public records. Employees shall not:
- A. Disseminate body-worn camera recordings unless approved by the division or bureau commander. This prohibition does not apply to dissemination following Office policy for a public records request, as specified in Policy GF-3, *Criminal History Record Information and Public Records*.
 - B. Access or release any recording for any reason other than official law enforcement purposes.
 - C. Duplicate any recording for personal use.
 - D. Duplicate any recording by using a secondary recording device such as a mobile phone camera, digital camera, video camera, audio recording device, or other device capable of making audio and/or visual recordings.
 - E. Tamper with, erase, delete, alter, or destroy any body-worn camera recording. Nor shall an employee intentionally, inappropriately categorize a body-worn camera recording or knowingly take actions to prevent a recording from being viewed or downloaded.
7. **Supervisor Review Responsibilities:** On a monthly basis, supervisors shall conduct random reviews of their employees' body-worn camera recordings.
- A. The monthly reviews shall document in the EIS Blue Team Supervisor Notes the assessment of:
 1. Deputy performance and training needs;
 2. Policy compliance;
 3. Consistency between written reports and body-worn camera recordings; and

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4. Whether the camera is functioning properly and its use is consistent with this Policy.
- B. The methodology and checklist for consistently reviewing body camera recordings can be found at the following shared drive location; U:\BIO\Forms.
8. **Program Administrator Responsibilities:** The Program Administrator shall:
 - A. Ensure deputies and supervisors are assigned fully functional body-worn cameras and maintain a record of inventory;
 - B. Document malfunctions and equipment failures, and replace devices as necessary;
 - C. Provide user training;
 - D. Evaluate and review policy and procedure and its effectiveness within six months of implementation of the Body-Worn Camera Program, and annually thereafter;
 - E. Ensure video files are secured and retained for a minimum of three years or as needed based on the retention schedule, criminal trial or civil litigation, or investigation by the Office or court-appointed monitor; and
 - F. Ensure video files are reviewed and released in accordance with federal and state statutes, court orders, and Office policy.
9. **Public Records Requests and Release of Information:** The review and release of body-worn camera recordings pursuant to public records requests shall be in accordance with applicable federal and state statutes, court orders, and Office policy, including GF-3, *Criminal History Record Information and Public Records*.

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MESA POLICE Department Policy Manual	On-Officer Body Camera Program	DPM 3.4.35 Effective Date 10/23/14
Approved by: Chief of Police	Chapter: Forensic Protocols	Page: 1 of 7

1. PURPOSE

This order establishes the Mesa Police Department (MPD) operational and evidence submission, storage and retrieval guidelines for the "On-Officer" Body Camera (OBC).

2. DEFINITIONS

On-Officer Body Camera

- The only approved on-officer body camera authorized by the Mesa Police Department is the Taser **Axon Flex unless otherwise directed by the Chief of Police.**
- The on-officer body camera is an audio/video recording system worn and used by officers to document law enforcement activities.
- Any other video cameras used by officers for law enforcement activity:
 - o Will be approved by the Division Commander or affected Assistant Chief.
 - o Will adhere to protocols outlined in **DPM 3.4.15 Evidentiary Recordings.**
 - o Irrespective of the source, the video or audio recordings to include, images, meta-data and sound remain the property of the Mesa Police Department.

Operation Mode Definitions

- **Normal (Buffering) Mode:** The on-officer body camera continuously loops video recording for up to thirty (30) seconds before recording is started by officer. Records video only (no audio) while buffering.
- **Event Mode:** The mode which activates the on-officer body camera.
- **DVR/Camera:** Primary component that contains a memory chip where all videos are stored.
- **Controller:** The Controller is the battery pack which also contains the on/off and activation switch.
- **ETM:** Evidence Transfer Manager. The docking station that uploads data and recharges the camera and controller.

3. GENERAL GUIDELINES

Operational Guidelines

- The On-Officer Body Camera and accessory kit will be assigned by the Department Program Administrator and maintained by the individual officer.
- Officers will inspect the On-Officer Body Camera for any physical damage and ensure the device is in working order at the beginning of the shift. Any damage will be reported and documented as outlined in **DPM 1.8.5 MPD Buildings and Property.**

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- Prior to going into service with an On-Officer Body Camera, officers will ensure they are wearing an authorized uniform, clearly identifying them as a Mesa Police Officer, unless otherwise authorized by Division Commander.
- Officers will make every effort to place the On-Officer Body Camera in the Event Mode as soon as practical during law enforcement activities.
- Any malfunctions and/or damage that occur to the camera system throughout the shift shall be documented. A supervisor will be notified as soon as practical.
- On-Officer Body Camera recordings will be used for official Department purposes only.

Use Guidelines

Activation:

- Officers will make every effort to activate the On-Officer Body Camera when responding to a call or have any contact with the public. This may include, but is not limited to the following events:
 - o All calls for service.
 - o Code 3 Driving, Failure to Yield incidents and Vehicle Pursuits.
 - o Traffic stops and citizen contacts.
 - o Impaired driver investigations.
 - o Accident scenes.
 - o Transportation of any prisoner(s) or citizens for any reason.
 - o Any time an officer deems it is appropriate to record.
 - o All searches (Persons, Vehicles, Structures, etc.)
 - o Statements made by subjects, victims, and witnesses.
 - o Advising an individual of his/her Miranda Rights.
 - o During interrogations.
 - o Other official law enforcement activity.
- Once activated, officers will continue to record until the completion of the event, except for instances outlined in the order.
- Officers will document the reasons for any non-activations or interruptions in recordings prior to the completion of an event in CAD or RMS.
- Additional arriving units to a scene assigned an On-Officer Body Camera will begin recording as soon as practical, and continue to record until the completion of the event, or they have left the scene (this includes recording of statements).
- Consideration may be given when a victim requests not to be recorded. The request to stop recording an event should be recorded.
 - o Contact an on-duty supervisor for resolution, if needed.

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Review:

- Officers may use media captured via the On-Officer Body Camera to assist with the investigation and completion of reports.
- Officers involved in an OIS (officer involved shooting) incident may review media captured from an On-Officer Body Camera before making any statements unless otherwise decided by the Chief of Police (COP) or designee or unless it hinders the investigation.
- Officers may review media captured from an On-Officer Body Camera before making any statements in an Internal Affairs investigation unless otherwise decided by the Chief of Police (COP) or designee or unless it hinders the internal investigation.
- With Division Commander approval, officers may use media captured via the On Officer Body Camera for training purposes unless otherwise decided by the Chief of Police (COP) or designee or it hinders an administrative, criminal or internal investigation.

Restrictions

- In accordance with **DPM 1.4.30 Tape Recording Protocols**, members **shall not** make surreptitious recordings of conversations with other Department member except:
 - o When necessary in a criminal investigation; or
 - o Unless approved by the Chief of Police.
- In accordance with **ARS 13-3005** (intercept of wire, electronic and oral communication), members shall not intentionally intercept a conversation or discussion at which he or she is not present, or aid, authorize, employ, procure or permit another to do so, without the consent of a party to such conversation or discussion.
- The On-Officer Body Camera will not be intentionally activated to record conversation(s) of fellow employees with or without their knowledge during routine, non-enforcement related activities.
- Members will advise other Department members and/or other criminal justice personnel (prosecutors, judges, or other law enforcement personnel) when an On-Officer Body Camera is recording.
- Do not record:
 - o While on employee breaks.
 - o Report writing.
 - o Discussing a case with other officers.
 - o During other administrative functions.
 - o During general discussions with employees.
 - o During personal activities.

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- The On-Officer Body Camera will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms.
- Officers shall only record a juvenile “during or as part of a law enforcement investigation” as prescribed in the Parents Bill of Rights outlined in **ARS 1-602(9)**.
- Members shall not record confidential informants or undercover officers.
- Accessing, copying, posting or releasing on-officer body camera recordings for other than official law enforcement purposes are prohibited and subject to discipline.
- Dissemination of information will be:
 - o For criminal justice purposes only.
 - o For training purposes only when approved by a Division Commander.
 - o Officers shall not make copies of any On-Officer Body Camera recording for their personal use.
- Recording copies can be requested through public records request as outlined in **DPM 3.3.70 Public Records Request**.

4. STORAGE, DOCUMENTATION & RETENTION PROTOCOLS

Storage / Evidentiary Guidelines

- All On-Officer Body Camera recordings shall be retained and stored in **www.Evidence.com**.
- At the end of shift, officers shall place the Camera and Controller into the docking station called an Evidence Transfer Manager (ETM) to transfer the data into **www.Evidence.com**.
 - o Do not remove camera from docking station (ETM) until data is uploaded and the battery is fully charged.
 - o This clears the camera memory from existing data.
- Do not erase, alter or tamper with any camera or collected data.
- Once the data is uploaded into **www.Evidence.com** in its entirety, the officers assigned the body camera (Axon Users) will tag the segments of **evidentiary value** with:
 - o The applicable category type; and
 - o The Department Report (DR) or event number.
- All other On-Officer Body Camera data of **non-evidentiary** value will be:
 - o Tagged in **www.Evidence.com** by the Axon User with the applicable category type.
 - o Disposed of in accordance with **DPM 3.4.15 Evidentiary Recordings**.

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- Evidentiary copies of On-Officer Body Camera digital recordings can be copied at www.Evidence.com.

Deleting Body Camera Recordings

Destruction or Deleting:

Members requesting a file to be deleted will submit a memo of explanation to their Division Commander.

- The affected Division Commander will make a determination and forward the memo to the Department Program Administrator to complete the request through www.Evidence.com.
- The memos will be retained by the Department Program Administrator.

Documentation & Reporting

General Guidelines:

- On-Officer Body Camera recordings are intended to supplement Department Reports (DRs). Submitted reports are still required to capture the totality of the event.
- When the On-Officer Body Camera is used in any investigation or during a police contact:
 - o Its use will be documented on any citation and/or report prepared regarding the contact.
 - o The primary officer (whether assigned a camera or not) will document the presence of the camera anytime a Department Report (DR#) is generated from that contact (Incident or Accident Report).

Primary Officer (Non-Axon and Axon Users):

- When preparing an RMS Incident Report, Supplemental Report, Accident Report, Civil Process Report, Citation Report, or Field Interview (FI) Card, in connection with an investigation or police event, the following details of the On-Officer Body Camera recording should be included in that report/contact card:
- Check "On-Body Camera" in the RMS module.
- Indicate that an On-Officer Body Camera recording was made in first line of the narrative, and include:
 - o The date and time of the recording.
 - o The person(s) recorded.
 - o The reason for the recording. (i.e.: traffic stop, criminal investigation, field contact, etc.).

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SUMMARY REPORT**

MESA POLICE Department Policy Manual	On-Officer Body Camera Program	DPM 3.4.35 Effective Date 10/23/14
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Backup Officer (Axon User):

- When an investigation or police contact, resulting in an Incident Report, Accident or Supplemental Report by the primary officer, is recorded by a backup officer with an On-Officer Body Camera, the backup officer will:
 - o Be responsible for transferring the data from the camera into **www.Evidence.com**.
 - o Tag the video recording with the DR# and select the proper category in **www.Evidence.com**.
- The backup officer will notify the primary officer of the existence of the On-Officer Body Camera recording and its storage in **www.Evidence.com**.

Retention & Public Release

- On-Officer Body Camera recordings captured as part of a Department member's duties shall be the property of the Mesa Police Department (MPD).
- All images, meta-data and sounds recorded by the On-Officer Body Camera are the exclusive property of the department. Accessing, copying, or releasing files for non-law enforcement purposes is prohibited.
- The release of information requested through a public records request will be subject to the same statutory exemptions from disclosure as any other departmental records.
- Prior to releasing any On-Officer Body Camera recordings, officers and affected members will ensure proper redaction is completed.
- Retention of evidentiary On-Officer Body Camera recordings will be handled in accordance with **DPM 3.4.15 Evidentiary Recordings**.

Care and Equipment

- On-Officer Body Cameras will be issued to individual officers by the Department Program Administrator or designee.
- A record of the inventory will be maintained by the Department Program Administrator.
- Only officers who have completed the approved training will be assigned an On-Officer Body Camera.
- Officers are responsible for the proper care of all Department property and/or equipment assigned to them as outlined in **DPM 1.8.5 MPD Buildings and Property**.
- Officers will immediately report any loss of, or damage to, any part of the On-Officer Body Camera equipment to their chain of command.

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Inspection and Audit

- Supervisors will conduct random reviews of On-Officer Body Camera recordings to ensure camera is functioning properly and use is consistent with Department policy. Audits will be conducted as necessary by supervisors or as directed per the District Coordinator monthly inspection submitted to Professional Standards.

References:

- [DPM 1.4.30 Tape Recording Protocol](#)
- [DPM 1.4.10 Disciplinary Process](#)
- [DPM 1.8.5 MPD Buildings & Property](#)
- [DPM 3.3.70 Public Records Requests](#)
- [DPM 3.4.15 Evidentiary Recordings](#)
- [DPM 3.4.35A1 On-Officer Body Camera Procedures Checklist](#)
- www.Evidence.com

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Peoria Police Department
Policy Manual
BODY WORN CAMERAS - 2
Adoption Date: 2014/12/22
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BODY WORN CAMERAS

451.1 PURPOSE AND SCOPE

The Peoria Police Department has issued some officers a body worn camera (BWC) system for use while on-duty. The BWCs are intended to assist officers in the performance of their duties by creating a visual and audio record of certain duty related activities. The policy of the Peoria Police Department is to use the BWC in order to provide documentary evidence that includes, but is not limited to: criminal investigations, civil litigation, and allegations of officer misconduct.

451.2 DEFINITIONS

Definitions related to this policy include:

Mobile Audio/Video Camera System (BWC) - The only approved Body Worn Camera System authorized by the Peoria Police Department is the Taser Axon. The Body Worn Camera System is an audio/video recording device worn and used by officers to document police related incidents.

Normal (Buffering) Mode - The BWC system continuously loops video recording for up to 30 seconds before a recording is started by the officer. During the 30 seconds before the recording is started by the officer, there is NO audio, it is video only.

Event Mode - The mode which activates the (BWC) system.

(Evidence Transfer Manager) ETM - The docking station that uploads data and recharges the ATC.

451.3 DEPARTMENT PERSONNEL RESPONSIBILITIES

Only officers who have been trained on the BWC system shall operate it. The BWC system includes a camera, battery pack, controller, and a power cord.

In an effort to ensure that recordings, files, and information are not confused with other officers' recordings, all BWCs will be assigned to individual officers and will not be shared. Officers assigned a BWC system will inspect the equipment for any damage and ensure the device is in working order at the beginning of their shift. Assigned personnel are responsible for the proper care of the BWC system assigned to them. Any visible damage or concerns about the

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functionality of the equipment will be reported to the employee's immediate supervisor. The employee's supervisor will make the determination if the equipment should be taken out-of-service.

An email should be sent to the department's equipment coordinator, explaining the issue. The determination will be made if the BWC should be repaired or replaced, and what the officer should do in the meantime.

Officers assigned a BWC system will ensure they are wearing an authorized uniform, clearly identifying them as a Peoria Police Officer.

All BWC recordings shall be downloaded and tagged prior to the end of the officer's shift. All downloads of recordings will be done in accordance with manufacturer specifications and department training. BWC recorded data will be considered impounded at this point and the BWC system will be cleared of existing data. Officers shall not modify, alter, erase, or tamper with BWC system recordings. All files, data and images recorded by the Department are the exclusive property of the Department. Accessing, copying, posting, or releasing any recordings for other than official law enforcement purposes is prohibited and subject to corrective action.

Any BWC recorded incident shall be documented within the narrative of an incident report, Field Interview, or notes on a traffic citation, if that is the sole documentation. BWC system recordings are intended to supplement department incident reports. Submitted reports are still required to capture the totality of the circumstances surrounding an event.

Reports of incidents including the use of a body worn camera will include "Case Highlights" as outlined on the department network drive under each disposition.

An officer's immediate supervisor will randomly inspect assigned BWC systems, and as part of their monthly inspections, to ensure the systems are functioning properly. Their findings shall be documented in Blue Team.

451.4 ACTIVATION OF BODY WORN CAMERA

An officer assigned a BWC should activate the system, as soon as practical given the circumstances, for all interactions with the public or any law enforcement efforts that may result in the recovery of evidentiary material. Examples of these contacts include, but are not limited to:

- Vehicle stops
- Pedestrian stops
- Consensual encounters that are investigative in nature
- Any self-initiated activity which could result in Title 13 or 28 charges
- Radio calls for service

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- On-view events requiring enforcement activity
- Transportation of any prisoner(s) or citizen(s)
- Suspect and witness statements and interviews
- Vehicle and foot pursuits
- Emergency vehicle response
- Any encounter with the public that becomes adversarial after the initial contact
- Anytime an officer feels it is appropriate to record

The BWC device shall be activated as soon as practical, given the circumstances. At no time should an officer jeopardize his/her safety in order to activate the BWC. It is expected that officers will use discretion when activating and deactivating the BWC. If a BWC is not activated in a situation where it should have been, the officer will document within the narrative of an incident report, Field Interview, or notes on a traffic citation the reason(s) why. For example, camera malfunctioned, conditions made it unsafe to activate camera, or chose not to because ...

Once activated, the BWC should remain on and not be turned off until the initial incident that caused the activation has concluded, unless a second incident requiring recording occurs prior to the conclusion of the initial incident. If an officer turns off the recording of an incident, during the incident, the officer shall document why the break occurred within the incident report, for example: investigative techniques discussed.

It is recognized that officers are often required to make split second decisions and initiating a recording using the BWC can and may capture things that were not seen or known by the officer at the time.

Additional arriving units to a scene that are equipped with a BWC will begin recording as soon as practical upon arrival or contact.

451.5 RECORDING RESTRICTIONS

Officers should inform subjects when they are being recorded, unless doing so would be unsafe, impractical, or impossible. The mere knowledge that one is being recorded has been found to help promote civility during police encounters with the public.

Arizona is a single party consent state when it comes to recording. Regardless, when interviewing victims of crime, the victim should still be informed and asked for their consent when video recording, in order to help balance any privacy concerns. If the victim denies consent, the officer should consider the need to video record the interview. If the decision is made to turn off the BWC, the officer will document the reasons why in the report.

The BWC will not be activated to record conversations of fellow employees with or without their knowledge during routine, non-enforcement related activities. Department members shall not

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surreptitiously record other department personnel unless lawfully authorized by the chief of police or an authorized designee.

As soon as practical, officers will advise other department members and/or other criminal justice personnel when a BWC is recording.

The BWC will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms.

In some situations involving juveniles, victims of sex crimes, and other incidents of a sensitive nature, officers shall use discretion in the activation of the BWC. Officers may choose not to utilize the BWC in certain situations like a citizen wanting to give anonymous crime information, or when an officer encounters a reluctant witness. Officers will document the reason the BWC was not activated.

Officers shall not intentionally record confidential informants or undercover officers. The BWC can be used in an off-duty capacity, but only by the officer it is assigned to. The assigned officer is responsible for picking up the BWC at the station prior to their off-duty assignment, as well as docking it and tagging any video in www.evidence.com at the end of their assignment. Utilizing the BWC during an off-duty event is optional, and no part of picking up, docking, or downloading the BWC shall be considered duty-time.

BWC recordings will be used for official departmental purposes only.

451.6 ADMINISTRATION, REDACTION, RETENTION AND STORAGE

To help ensure accountability and the integrity of the BWC program, the Business Systems Analyst supervisor will be designated as the program administrator. The program administrator will be responsible for compiling requests from department personnel, the city court, and the Maricopa County Attorney's Office, and distributing as appropriate.

Department personnel requesting a video recording be deleted will submit an email explaining why, through the chain-of-command, to their commander or designee. The commander will review the video and make a determination and forward the email with their comments to the program administrator to complete the request through www.evidence.com. The emails will be retained by the program administrator.

All BWC recordings shall be retained and stored in www.evidence.com. At the end of each shift, after all videos have been tagged, officers shall place the Axon Tactical Computer (ATC) into the docking station, called an Evidence Transfer Manager (ETM), to transfer the data into www.evidence.com. If for some reason the officer assigned the BWC is

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unable to personally dock the ATC, it shall be the responsibility of a sworn supervisor to ensure the ATC is docked and the data is transferred.

BWC system recordings that are evidence shall be retained for a period consistent with the requirements of the department's evidence and records retention schedule. BWC system recordings may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc.

451.7 SUPERVISOR REVIEW OF BWC VIDEO

Supervisors shall review BWC footage that exists in the following cases:

1. Injury to Prisoner
2. Use of Force
3. Injury to officer(s)
4. Vehicle Pursuits
5. 906, 998, 999 situations
6. Citizen Complaints

Selected precinct lieutenants will randomly inspect six videos each calendar month, and will record their findings in Blue Team. Recordings are pulled by the assigned number, so the name of an officer will not be known to the reviewing lieutenant until the video is reviewed. The purpose of the review is to help ensure compliance with policy, maintain checks and balances, and ensure transparency.

451.8 REVIEW OF BWC VIDEO

BWC system recordings may be reviewed in any of the following situations:

- To assist with the investigation and completion of reports by the officer who originally recorded the incident
- For use by an officer prior to making any statements after an officer involved shooting incident. (In this case, the video reviewed by the officer should only be from the vantage point of the involved officer. This eliminates the possibility of the officer viewing footage from an angle he/she could not have seen.)
- Patrol Training Officers and the PTO coordinator may view BWC videos while performing official duties, in order to help evaluate and train the officer trainee.
- For preparation of statements in an Internal Affairs investigation. (In this case, the video reviewed by the officer should only be from the vantage point of the involved officer. This eliminates the possibility of the officer viewing footage from an angle he/she could not have seen.)
- By a supervisor investigating a specific act of officer conduct
- By an agency investigator who is participating in an official investigation, personnel complaint, administrative inquiry, or a criminal investigation
- For training purposes upon authorization of the Chief of Police or an authorized designee

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- Pursuant to lawful process or by court personnel who are authorized to review evidence in a related case

Any BWC system recording remains the property of the Peoria Police Department. BWC recordings may only be released as provided in the Records Release and Security Policy or for other authorized legitimate department business purposes.

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PSB-451

Peoria Police Department

Standard Operating Procedure Patrol Services Bureau

Body Worn Cameras

PSB-451.1 PURPOSE AND SCOPE

This order provides Peoria Police Department (PPD) field personnel and management personnel with guidelines for the use of Body Worn Cameras (BWCs) and the dissemination of information obtained from BWCs.

PSB-451.2 DEFINITIONS

BWCs – (Body Worn Cameras) An audio/video recording device worn and used by officers to document police related incidents.

Evidence sync - The software system that will be used to view and tag video prior to syncing the video camera at the end of the shift

Evidence.com – The weblink used to upload and sync evidence

Hardware - Camera, cord, or uniform clip, etc.

PSB-451.3 WEARING POSITIONS

Users should attach the body worn cameras to the upper torso area on their uniform or their outer carrier in order to ensure that the camera view is as close as possible to what the officer is actually seeing.

If this is not practical, the secondary position Taser recommends is for the camera to be attached to the front of the utility belt. Officers should keep in mind that when wearing the camera on their utility belt, a person will need to be about 6 feet from the officer to be in full view of the camera.

Other camera positions are not recommended.

PSB-451.4 REPORT WRITING:

The department is developing an interface to tag videos from the BWCs through the Records Management System. With or without this interface, certain steps are required to ensure the information will be correctly categorized in evidence.com.

1. Every video must be associated with an incident number. Each time you start recording, if you were not already on or dispatched to an incident/call for service, then you must request that dispatch initiate an incident for you.

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2. If the title of the incident is not accurate for what actually occurred, then you must complete a Recode Incident Type through Field Reporting so the video will be classified correctly. Example: you are dispatched to a report of a loud noise call and your investigation shows that the correct call type should be “Assault.” In New World, you would export the call to a Recode Incident Type report and enter “Assault” as the correct call type.

When writing your case report, please remember to include the following:

1. Choose the correct title of the report so it will accurately reflect what incident occurred.
2. Remember to reference the video from the body worn camera in your narrative and summarize what was visible and audible during the recording.
3. Also remember that other audio recordings and digital photographs still need to be downloaded to the shared police drive (I drive) under the New World Attachments folder.

PSB-451.4 SYNCING AND PROCESSING VIDEO

Evidence Sync

Evidence sync is the system that will be used to view and tag video prior to syncing the video camera at the end of the night. All Patrol North and South Desktops will have the Evidence sync software uploaded to the computer (MDCs will not have this capability).

Mobile Evidence Sync Application

Taser International provides a mobile application that can be used by an android device. Personal devices may not be used in conjunction with any Taser software or equipment at this time. Only department issued equipment, or authorized reimbursable mobile equipment, may be used to download the Evidence.com mobile application and sync to videos.

Processing Video

During their shift, and before an officer secures for the day, s/he must tag each video that has been created. Video tagging can be completed in the station, or on an authorized department mobile device, as they become available.

- If a mobile device is available, the officer may tag the video throughout the shift as time permits.
- If no mobile device is available, the officer will need to return to the station, prior to the end of shift, and connect the camera to a station desktop and tag video at that time.
- Once all videos are properly tagged, at the end of the shift, the employee is to take the camera and place it in the docking station. Docking stations are located in Patrol North and Patrol South briefing rooms. Below is a list of required tagging fields and the information that must be entered.

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- Keep the default date/time for easy retrieval
- ID: Peoria incident number (20##-#####)
- TITLE: Date and time stamp from video
- CATEGORY: Select from categories provided

PSB-451.5 VIEWING OR SHARING UPLOADED EVIDENCE

Viewing Evidence

Evidence.com is the location where all videos can be reviewed, shared, and markers added, once the data has been uploaded to the server. All video needs to remain on the Evidence.com server and not placed on the Police Network. Evidence should not be downloaded onto any external device/DVD, unless approved.

Officers Sharing Video

An officer may share video for official police business only and only through Evidence.com. Officers may only share videos with authorized City of Peoria employees and other criminal/judicial governmental agencies.

When sharing a video, the officer is to choose “View” and “View Audit Trail” by clicking in the appropriate blocks. If a contact needs the rights to download the video, then a Lieutenant will need to share the video and select “Download” instead of “View” and “View Audit Trail.” In addition, an officer must share a video with a Police Sergeant when requested.

PSB-451.6 CIS AND SES SERGEANT RESPONSIBILITIES

All Property Crimes Unit, Special Victims Unit, and Major Crimes Unit shall be responsible for sharing video with their assigned detectives for viewing purposes only.

ISU Dissemination to MCAO

The Investigative Support Unit shall complete all Maricopa County Attorney Office requests for video.

City Prosecutor Dissemination

The city prosecutor’s office will have a license to evidence.com and will fill all Peoria video discovery requests and redact as needed.

Public Records Request

All public records requests for video must initiate with the police records department. Once this request is received, the city attorney’s office will be notified for proper redaction. They will need the request only, as the city attorney’s office will have a license for evidence.com. Once redaction is complete, the redacted video can be provided to the requestor.

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PSB-451.7 BWCs FOR SPECIALTY UNITS

Traffic Services and K-9 Officers

All traffic and K-9 officers are equipped with Body Worn Cameras. BWCs should be used in the normal course of duty, during the officer's normal shift.

Traffic and K-9 officers should respond to the main station at the start of their shift to pick up their BWC. Prior to going off-duty, they should stop by the station, make sure videos are tagged properly, and dock and download the BWC. BWCs must be docked at the police department in order for the videos to be downloaded, and for the unit to charge.

Currently, there is not an option for specialty officers to take their issued BWC home with them. When not equipped with a BWC, traffic and K-9 officers should carry their digital recorders. Traffic officers frequently make traffic stops on the way to work, or on the way home. If this occurs, traffic officers will not be equipped with their BWC, so they should utilize their digital recorders. The same applies to any situations a K-9 officer encounters on the way to or from work.

When responding to a "call-out," traffic and K-9 officers will not have their BWC if they respond from their house to the scene. In this case, digital recorders should be relied upon for scene investigation. If a traffic or K-9 officer responds to the station first, they may retrieve their BWC for the purpose of investigation, but it should be docked at the main station prior to going off-duty.

SWAT officers

Patrol personnel that carry an issued BWC may also be members of the SWAT team. BWCs should not be deployed as part of any SWAT operation. SWAT tactics and operations are often confidential, and to record SWAT operations and tactics may unduly jeopardize current or future operations.

PSB-451.8 EQUIPMENT MAINTENANCE OR PROBLEMS

While using a camera, if you should experience problems with the hardware (actual camera, cord, or uniform clip, etc.) you will need to e-mail the equipment coordinator and upon his/her return to work he/she will arrange to provide you with replacement equipment.

If you experience a problem with accessing or using the software on peoriaaz.evidence.com or on Evidence Sync, please send an e-mail to BodyWornCameras@peoriaaz.gov describing the issue you are having.

The Body Worn Camera administrators will respond during their next regular work day. If you forgot your password, Peoriaaz.evidence.com allows you to reset it on your own.

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Taser also provides limited user's guides on peoriaaz.evidence.com under "Help," which is located in the ribbon near the top of the screen. Also under help is an option to e-mail Taser Support directly regarding any issues you may be experiencing with the camera or software.

PSB-451.9 AUDITS

Audits of Taser Axon video will be performed on a monthly basis. The audits will be performed by selected patrol lieutenants from each precinct. Each selected patrol lieutenant will perform six random video audits each month, for a total of 12 monthly audits department wide.

These random audits may include officers from the same or different precinct, the same or different shift, and may include specialty officers. In order to ensure audits are random, the selected precinct lieutenant will choose a video to review based upon the incident number assigned to the video. This will be done prior to the video being viewed, or the report being read, in order to ensure involved officers are not known until after the video and report are reviewed. The lieutenant will keep selecting incidents until they have six incidents involving officers with assigned body worn cameras.

Prior to the 10th of each month, each selected precinct lieutenant will select six incident numbers from the prior month. The lieutenant will review all video related with that case number (there may be more than one video if multiple officers are involved), as well as all reports, supplements, and any other documentation.

The lieutenant will review with the purpose of ensuring we are following policy, documenting properly, handling situations appropriately, and following best practices.

Once all material from each case has been reviewed, the lieutenant will document his/her findings in Blue Team. Each case review will have its own Blue Team entry using the incident titled, "Patrol BWC Audit." All information should be filled out, including: incident number, address of occurrence, involved officers, and lieutenant auditing the case. Reports and/or videos do not need to be attached to the Blue Team entry. These can be retrieved at a later time if needed.

In the summary area, if the lieutenant finds no issues, they will simply list "no issues" and forward to the primary officer's commander. If there are issues found, the lieutenant will list a summary of the issue(s) and the proposed action. The Blue Team will then be forwarded to the primary officer's commander for review. The commander will review the lieutenant's recommendation and forward to the appropriate supervisor for action.

All six audits by each lieutenant for the prior month must be entered and forwarded in Blue Team to the appropriate commander no later than the 10th of each month.

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International Association of Chiefs of Police (IACP)

Model Policy

Body-Worn Cameras

<http://www.theiacp.org/Portals/0/documents/pdfs/MembersOnly/BodyWornCamerasPolicy.pdf>

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

APPENDIX C

APPLICABLE ARIZONA REVISED STATUTES

SB1300 Signed by Governor 4/1/2015

Establishing A Law Enforcement Officer Body Worn Camera Study Committee

Be it enacted by the Legislature of the State of Arizona:

Section 1. **Law enforcement officer body camera study committee; membership; duties; report; delayed repeal**

A. The law enforcement officer body camera study committee is established consisting of the following members:

1. One member of the senate who is appointed by the president of the senate and who serves as cochairperson of the committee.
2. One member of the house of representatives who is appointed by the speaker of the house of representatives and who serves as cochairperson of the committee.
3. The director of the department of public safety or the director's designee.
4. One police chief of a police department in this state who is appointed by the governor.
5. One county sheriff who is appointed by the governor.
6. One member who is a faculty member in a criminal justice program at a university in this state and who is appointed by the governor.
7. One representative of a news gathering organization who is appointed by the governor.
8. One member who is a state prosecutor and who is appointed by the Arizona prosecuting attorneys' advisory council.
9. Three persons who are members of a police association and who are appointed by the governor.
10. Two attorneys who are members of the state bar, one of whom represents a group that promotes civil liberties, and who are appointed by the governor.
11. Two public members who are residents of this state, one of whom is associated with a civil rights association, and who are appointed by the governor.

B. The study committee shall recommend policies and laws on the use of law enforcement officer body cameras and body camera recordings.

C. The law enforcement officer body camera study committee may:

1. Request information, data and reports from any county or state agency or political subdivision of this state. If possible, information shall be provided electronically.
2. Hold hearings, conduct fact-finding tours and take testimony from witnesses, including participants in the criminal justice system, who may assist the committee in fulfilling its responsibilities.

D. On the request of the law enforcement officer body camera study committee, an agency of this state shall provide to the committee its services, equipment, documents, personnel and facilities to the extent possible without cost to the committee.

E. The legislature shall provide staff and support services to the committee.

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F. The committee shall meet at the state capitol or at other places as the cochairpersons deem necessary or convenient, and all meetings shall be open to the public.

G. Members of the study committee are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2, Arizona Revised Statutes.

H. On or before December 31, 2015, the study committee shall submit a report regarding its findings and recommendations to the governor, the speaker of the house of representatives and the president of the senate and provide a copy of its report to the secretary of state. The report shall include the committee's recommendations regarding the use of law enforcement officer body cameras in this state.

I. This section is repealed from and after June 30, 2016.

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Arizona Constitution

2.1. [Victims' bill of rights](#)

Section 2.1. (A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:

1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.
12. To be informed of victims' constitutional rights.

(B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.

(D) The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

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Arizona Revised Statutes

1-602. [Parents' bill of rights; definition](#)

A. All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity or any other institution, including:

1. The right to direct the education of the minor child.
2. All rights of parents identified in title 15, including the right to access and review all records relating to the minor child.
3. The right to direct the upbringing of the minor child.
4. The right to direct the moral or religious training of the minor child.
5. The right to make health care decisions for the minor child, including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless otherwise prohibited by law.
6. The right to access and review all medical records of the minor child unless otherwise prohibited by law or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released.
7. The right to consent in writing before a biometric scan of the minor child is made pursuant to section 15-109.
8. The right to consent in writing before any record of the minor child's blood or deoxyribonucleic acid is created, stored or shared, except as required by section 36-694, or before any genetic testing is conducted on the minor child pursuant to section 12-2803 unless authorized pursuant to section 13-610 or a court order.
9. The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child, unless the video or voice recording is made during or as a part of a court proceeding, by law enforcement officers during or as part of a law enforcement investigation, during or as part of an interview in a criminal or child safety services investigation or to be used solely for any of the following:
 - (a) Safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on pupil transportation vehicles.
 - (b) A purpose related to a legitimate academic or extracurricular activity.
 - (c) A purpose related to regular classroom instruction.
 - (d) Security or surveillance of buildings or grounds.
 - (e) A photo identification card.
10. The right to be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or child safety services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

11. The right to obtain information about a child safety services investigation involving the parent pursuant to section 8-807.

B. This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section does not prohibit courts, law enforcement officers or employees of a government agency responsible for child welfare from acting in their official capacity within the scope of their authority. This section does not prohibit a court from issuing an order that is otherwise permitted by law.

C. Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state or any other governmental entity, except for law enforcement personnel.

D. Unless those rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in this section. This chapter does not prescribe all rights of parents. Unless otherwise required by law, the rights of parents of minor children shall not be limited or denied.

E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.

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11-597.02. Autopsy photographs, digital images, x-rays and video recordings; in camera review; exceptions; procedures; immunity

A. Notwithstanding title 39, chapter 1, photographs, digital images, x-rays and video recordings of human remains that are created by a medical examiner, alternate medical examiner or their employees or agents during a death investigation that is conducted pursuant to this chapter may not be disclosed by a medical examiner, alternate medical examiner or their employees or agents unless a judge of the superior court grants disclosure of all or part of the materials after reviewing the materials in camera. The judge of the superior court shall balance the interests under the public records laws of this state to determine whether to order disclosure of all or part of the materials. A person that seeks disclosure of the materials described in this section may file a petition in the superior court of the county in which the death investigation occurred for an in camera review of the materials.

B. Notwithstanding the provisions of subsection A of this section, the following persons may examine and obtain the materials described in subsection A of this section:

1. The county attorney, attorney general or other law enforcement agency having jurisdiction, as necessary for the performance of their duties.
2. The surviving spouse, child, parent, legal guardian, grandparent, grandchild or sibling of the decedent or their legal representative or designated agent.
3. A personal representative of the decedent's estate or a person designated by the decedent before death.
4. Federal, state or local governmental authorities, including public health officers, as necessary for the performance of their duties.
5. The attending physician or nurse practitioner.
6. A medical or scientific body or university or other educational institution for educational or research purposes, provided that the materials used do not reveal the decedent's identity.
7. An attorney for a defendant or petitioner in any criminal or postconviction proceeding for purposes of assisting representation in that proceeding.

C. Nothing in this section shall affect the conduct of trials or the discovery process as provided by law or court rule.

D. The medical examiner or alternate medical examiner may prescribe procedures for the issuance of materials pursuant to subsection B of this section, including reproduction fees.

E. A cause of action may not arise against the county medical examiner, alternate medical examiner or their employees or agents, or the county for lawfully disclosing a death investigation photograph, digital image, x-ray or video recording pursuant to this section.

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12-821.01. Authorization of claim against public entity, public school or public employee

A. Persons who have claims against a public entity, public school or a public employee shall file claims with the person or persons authorized to accept service for the public entity, public school or public employee as set forth in the Arizona rules of civil procedure within one hundred eighty days after the cause of action accrues. The claim shall contain facts sufficient to permit the public entity, public school or public employee to understand the basis on which liability is claimed. The claim shall also contain a specific amount for which the claim can be settled and the facts supporting that amount. Any claim that is not filed within one hundred eighty days after the cause of action accrues is barred and no action may be maintained thereon.

B. For the purposes of this section, a cause of action accrues when the damaged party realizes he or she has been damaged and knows or reasonably should know the cause, source, act, event, instrumentality or condition that caused or contributed to the damage.

C. Notwithstanding subsection A, any claim that must be submitted to a binding or nonbinding dispute resolution process or an administrative claims process or review process pursuant to a statute, ordinance, resolution, administrative or governmental rule or regulation, or contractual term shall not accrue for the purposes of this section until all such procedures, processes or remedies have been exhausted. The time in which to give notice of a potential claim and to sue on the claim shall run from the date on which a final decision or notice of disposition is issued in an alternative dispute resolution procedure, administrative claim process or review process. This subsection does not prevent the parties to any contract from agreeing to extend the time for filing such notice of claim.

D. Notwithstanding subsection A, a minor or an insane or incompetent person may file a claim within one hundred eighty days after the disability ceases.

E. A claim against a public entity or public employee filed pursuant to this section is deemed denied sixty days after the filing of the claim unless the claimant is advised of the denial in writing before the expiration of sixty days.

F. This section applies to all causes of action that accrue on or after July 17, 1994.

G. If a genuine issue of material fact exists as to whether the requirements of this section have been complied with, the issue shall be resolved before a trial on the merits and at the earliest possible time.

H. This section does not apply to any claim for just compensation pursuant to chapter 8, article 2.1 of this title.

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13-107. Time limitations

A. A prosecution for any homicide, any conspiracy to commit homicide that results in the death of a person, any offense that is listed in chapter 14 or 35.1 of this title and that is a class 2 felony, any violent sexual assault pursuant to section 13-1423, any violation of section 13-2308.01, any misuse of public monies or a felony involving falsification of public records or any attempt to commit an offense listed in this subsection may be commenced at any time.

B. Except as otherwise provided in this section and section 28-672, prosecutions for other offenses must be commenced within the following periods after actual discovery by the state or the political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs:

1. For a class 2 through a class 6 felony, seven years.
2. For a misdemeanor, one year.
3. For a petty offense, six months.

C. For the purposes of subsection B of this section, a prosecution is commenced when an indictment, information or complaint is filed.

D. The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.

E. The period of limitation does not run for a serious offense as defined in section 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.

F. The time limitation within which a prosecution of a class 6 felony shall commence shall be determined pursuant to subsection B, paragraph 1 of this section, irrespective of whether a court enters a judgment of conviction for or a prosecuting attorney designates the offense as a misdemeanor.

G. If a complaint, indictment or information filed before the period of limitation has expired is dismissed for any reason, a new prosecution may be commenced within six months after the dismissal becomes final even if the period of limitation has expired at the time of the dismissal or will expire within six months of the dismissal.

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13-4434. Victim's right to privacy; exception; definitions

A. The victim has the right at any court proceeding not to testify regarding any identifying or locating information unless the victim consents or the court orders disclosure on finding that a compelling need for the information exists. A court proceeding on the motion shall be in camera.

B. A victim's identifying and locating information that is obtained, compiled or reported by a law enforcement agency or prosecution agency shall be redacted by the originating agency and prosecution agencies from records pertaining to the criminal case involving the victim, including discovery disclosed to the defendant.

C. Subsection B of this section does not apply to:

1. The victim's name except, if the victim is a minor, the victim's name may be redacted from public records pertaining to the crime if the countervailing interests of confidentiality, privacy, the rights of the minor or the best interests of this state outweigh the public interest in disclosure.
2. Any records that are transmitted between law enforcement and prosecution agencies or a court.
3. Any records if the victim or, if the victim is a minor, the victim's representative as designated under section 13-4403 has consented to the release of the information.
4. The general location at which the reported crime occurred.

D. For the purposes of this section:

1. "Identifying information" includes a victim's date of birth, social security number and official state or government issued driver license or identification number.
2. "Locating information" includes the victim's address, telephone number, e-mail address and place of employment.

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15-141. Educational records; injunction; special action

A. The right to inspect and review educational records and the release of or access to these records, other information or instructional materials is governed by federal law in the family educational and privacy rights act of 1974 (20 United States Code sections 1232g, 1232h and 1232i), and federal regulations issued pursuant to such act.

B. In addition to the enforcement procedures provided in the family educational and privacy rights act of 1974, the superior court may grant injunctive or special action relief if any educational agency or institution or an officer or employee of an agency or institution fails to comply with the act regardless of whether the agency or institution is the recipient of any federal funds subject to termination pursuant to the act or whether administrative remedies through any federal agency have been exhausted.

C. Notwithstanding any financial debt owed by the pupil, the governing board of a school district shall release to the department of juvenile corrections all educational records relating to a pupil who is awarded to the department of juvenile corrections within ten working days after the date the request is received.

D. A juvenile court may require a school district to provide the court with the educational records of a juvenile who is accused of committing a delinquent or incorrigible act before the juvenile is adjudicated. The educational records shall include the juvenile's cumulative file and discipline file and, if applicable, records that are compiled pursuant to the individuals with disabilities education act (P.L. 91-230; 84 Stat. 175; 20 United States Code section 1400) and the rehabilitation act of 1973 (P.L. 93-112; 87 Stat. 394; 29 United States Code section 794). The presiding judge of the juvenile court shall adopt procedures for the transmission of the educational records from the school district to the juvenile court. The disclosure of the educational records shall comply with the family educational and privacy rights act of 1974 (20 United States Code section 1232g) and shall ensure the ability of the juvenile court to effectively serve, before adjudication, the juvenile whose records are released. Nothing in this subsection shall be considered to prevent the juvenile court from adjudicating a juvenile prior to receiving educational records pursuant to this subsection.

E. A school district may release pupil attendance, disciplinary and other educational records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement among the school district, law enforcement agency, county attorney and other state, local or tribal government agencies to create a local or tribal governmental juvenile justice network for the purpose of:

1. Providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

2. Providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior.
 3. Increasing the safety and security of the community and its children by reducing juvenile crime.
- F. Educational records provided pursuant to an intergovernmental agreement entered into pursuant to subsection E shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

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28-454. Records maintained by department of transportation; redaction; definitions

- A. Notwithstanding sections 28-447 and 28-455, an eligible person may request that persons be prohibited from accessing the eligible person's residential address and telephone number contained in any record maintained by the department.
- B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the department:
1. The person's full legal name and residential address.
 2. Unless the person is the spouse of a peace officer or the spouse or minor child of a deceased peace officer or the person is a former public official or former judge, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment.
 3. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that redacting the residential address and telephone number from the department's public records will serve to reduce the danger.
- C. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.
- D. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. Each affidavit presented shall be attached to the petition. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.
- E. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. The presiding judge of the superior court shall order the redaction of the residence address and telephone number from the public records maintained by the department if the judge concludes that this action will reduce a danger to the life or safety of the affiant or another person.
- F. On entry of the court order, the clerk of the superior court shall file the court order with the department. No more than one hundred fifty days after the date the department receives the court order, the department shall redact the residence addresses and telephone numbers of the affiants

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

listed in the court order from the public records of the department. The residence addresses and telephone numbers shall not be disclosed and are not part of a public record.

G. If the court denies an affiant's request pursuant to this section, the affiant may request a court hearing. The hearing shall be conducted by the court in the county where the petition was filed.

H. On motion to the court, if the presiding judge of the superior court concludes that a residential address or telephone number has been sealed in error or that the cause for the original affidavit no longer exists, the presiding judge may vacate the court order prohibiting public access to the residential address or telephone number.

I. Notwithstanding sections 28-447 and 28-455, the department shall not release a photograph of a peace officer if the peace officer has made a request as prescribed in this section that persons be prohibited from accessing the peace officer's residential address and telephone number in any record maintained by the department.

J. This section does not prohibit the use of a peace officer's photograph that is either:

1. Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.
2. Obtained from a source other than the department.

K. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.
2. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.
3. "Eligible person" means a former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased public officer, justice, judge or former judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.
4. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.
5. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.
6. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

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39-123. Information identifying eligible persons; confidentiality; definitions

A. Nothing in this chapter requires disclosure from a personnel file by a law enforcement agency or employing state or local governmental entity of the home address or home telephone number of eligible persons.

B. The agency or governmental entity may release the information in subsection A of this section only if either:

1. The person consents in writing to the release.
2. The custodian of records of the agency or governmental entity determines that release of the information does not create a reasonable risk of physical injury to the person or the person's immediate family or damage to the property of the person or the person's immediate family.

C. A law enforcement agency may release a photograph of a peace officer if either:

1. The peace officer has been arrested or has been formally charged by complaint, information or indictment for a misdemeanor or a felony offense.
2. The photograph is requested by a representative of a newspaper for a specific newsworthy event unless:

(a) The peace officer is serving in an undercover capacity or is scheduled to be serving in an undercover capacity within sixty days.

(b) The release of the photograph is not in the best interest of this state after taking into consideration the privacy, confidentiality and safety of the peace officer.

(c) An order pursuant to section 28-454 is in effect.

D. This section does not prohibit the use of a peace officer's photograph that is either:

1. Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.
2. Obtained from a source other than the law enforcement agency.

E. This section does not apply to a certified peace officer or code enforcement officer who is no longer employed as a peace officer or code enforcement officer by a state or local government entity.

F. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4. "Eligible person" means a former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, border patrol agent, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of

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protection or injunction against harassment, firefighter who is assigned to the Arizona counterterrorism center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

5. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.

6. "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States immigration court, the Arizona court of appeals, the superior court or a municipal court.

7. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

9. "Peace officer" has the same meaning prescribed in section 13-105.

10. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

11. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

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Code of Federal Regulations

45 CFR Part 160

§160.101 Statutory basis and purpose.

The requirements of this subchapter implement sections 1171-1180 of the Social Security Act (the Act), sections 262 and 264 of Public Law 104-191, section 105 of Public Law 110-233, sections 13400-13424 of Public Law 111-5, and section 1104 of Public Law 111-148.

[78 FR 5687, Jan. 25, 2013]

§160.102 Applicability.

(a) Except as otherwise provided, the standards, requirements, and implementation specifications adopted under this subchapter apply to the following entities:

(1) A health plan.

(2) A health care clearinghouse.

(3) A health care provider who transmits any health information in electronic form in connection with a transaction covered by this subchapter.

(b) Where provided, the standards, requirements, and implementation specifications adopted under this subchapter apply to a business associate.

(c) To the extent required under the Social Security Act, 42 U.S.C. 1320a-7c(a)(5), nothing in this subchapter shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978, as amended (5 U.S.C. App.).

[65 FR 82798, Dec. 28, 2000, as amended at 67 FR 53266, Aug. 14, 2002; 78 FR 5687, Jan. 25, 2013]

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United State Code

§1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. §1979; Pub. L. 96–170, §1, Dec. 29, 1979, 93 Stat. 1284 ; Pub. L. 104–317, title III, §309(c), Oct. 19, 1996, 110 Stat. 3853 .)

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APPENDIX D

LINKS TO PREFERRED LAW ENFORCEMENT RECORDINGS RESOURCES AND TOOLS

Crime Victims

Attorney General's Office website (includes constitutional and statutory provisions)

<https://www.azag.gov/victim-services/victim-services-0>

Law Enforcement Recordings

Force Science Institute, Ltd. (2014)

10 Limitations of Body Cams You Need To Know For Your Protection

<http://www.forcescience.org/bodycams.pdf>

Hayes, Jonathon, Lead Engineer, and Ericson, Dr. Lars, Director of Advanced Technologies.
ManTech Advanced Systems International, Inc. 1000 Technology Dr., Ste. 3310 Fairmont, WV
26554. September 2012.

A Primer On Body-Worn Cameras For Law Enforcement.

<https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf>

Home Office Centre for Applied Science and Technology, Publication number 14/14. May 2014
Body-Worn Video Technical Guidance

<http://www.bwvsg.com/wp-content/uploads/2013/07/body-worn-video-technical-guidance-1414.pdf>

Katz, Charles M., David E. Choate, Justin R. Ready, & Lidia Nuño. (2014).

Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department.

Phoenix, AZ: Center for Violence Prevention & Community Safety, Arizona State University.

<https://www.bja.gov/bwc/pdfs/Evaluating-the-Impact-of-Officer-Worn-Body-Cameras.pdf>

Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014.

Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned.

Washington, DC: Office of Community Oriented Policing Services.

<http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

Stanley, Jay, ACLU Senior Policy Analyst. Originally published: October 2013.

Police Body-Mounted Cameras: With Right Policies In Place, A Win For All

https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras-v2.pdf

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

White, Michael D. 2014.

Police Officer Body-Worn Cameras: Assessing the Evidence.

Washington, DC: Office of Community Oriented Policing Services.

<https://www.ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf>

Public Records and Records Management

Attorney General's Handbook for State Agencies

Chapter 6 Public Records

<https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch06-2013B.pdf>

Law Enforcement Associations of Interest

The possibility of working with LE Associations, or having the Association review the ALERWG Summary Report was discussed. The following list includes some of the LE Associations that were proposed:

- Arizona Association of Chiefs of Police (**AACP**)
 - <http://azchiefsofpolice.org/>
- International Association of Chiefs of Police (**IACP**)
 - <http://www.theiacp.org/>
- Local Legal Advisors Group to Law Enforcement (**Informal**)
- Police Executive Research Forum (**PERF**)
 - <http://www.policeforum.org/>

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APPENDIX E

DETAILED SUMMARY OF ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP MEETINGS

Friday, December 12, 2014

During a meeting between the Library, Archives and Public Records – Records Management staff (Karen Gray, Jerry Kirkpatrick) and the Maricopa County Records Manager staff (Lisa Nash, Chad Elms), we discussed the County’s interest in wearable recording devices (body cameras). As we spoke, we realized there is currently no retention period for recordings from this particular technology. We decided we would work on this in preparation for our next meeting.

Wednesday, December 17, 2014

After speaking with Melanie Sturgeon, State Records Management Officer, we decided to establish a Work Group to investigate Law Enforcement Recordings, and develop a suitable retention period for these records.

Thursday, January 15, 2015

Jerry Lucente-Kirkpatrick had a phone conversation with Joe Branco, with the Maricopa County Attorney’s Office. Joe was looking for guidance on the retention period for Law Enforcement Recordings, and the two discussed the idea of a Work Group on the subject.

Wednesday, January 21, 2015

Jerry Lucente-Kirkpatrick begins sending out emails regarding the Arizona Law Enforcement Recordings Work Group (**ALERWG**), and asking for knowledgeable volunteers to help work through some of the issues surrounding wearable recording devices.

Work Group Composition

Word quickly spread, and we started receiving volunteers from government professionals that dealt with Law Enforcement recordings in some manner, direct or indirect. Instead of focusing solely on Law Enforcement members, we wanted to widen both the scope and membership of our Work Group. We began to focus on the following professional areas: Criminal Justice, Information Technology, Law Enforcement, Legal, Procurement, Risk Management and Records Management.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

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By the time of our first meeting, we had almost 70 members to the ALERWG, and our differences began to be seen as one of the major strengths of our Work Group. Participants in the Work Group represented Criminal Justice, Information Technology, Law Enforcement, Legal, Procurement, Records Management, and Risk Management. Each of the members brought a different background and perspective to the Work Group, which was a benefit as we investigate this complex and relevant topic.

Originally, the L.A.P.R. became interested as we began to receive inquiries regarding the proper retention and storage of Law Enforcement recordings: body cams, body mics and dash cams. Soon, however, the issue had gained national attention, and we felt the need to arrive at guidance that would help shape the discussion here in Arizona. Our focus had expanded to include not only retention and storage issues, but privacy, security, vendors, contractual language, and more.

Wednesday, February 25, 2015

In preparation for our first ALERWG meeting, we were asked to come prepared with questions, topics or aspects of Law Enforcement recordings that we would like to address during the course of our meetings.

The Work Group began to call out different topics they would like to discuss, and we filled two sides of a Whiteboard. After reviewing the many topical suggestions, we ended up with the following nine (9) categories:

Architecture (technology): Where to store recordings; How to store; Hardware needs; Software needs; Interface.

Consistency in AZ: Policies and Procedures; Guidance; Best practices; public expectations of recordings; Law Enforcement expectations of recordings; When to record vs redaction.

Privacy: Minors; "Innocent bystanders"; Disclaimer before recording; Permission needed; Who can be recorded; who can't be recorded; General orders.

Recordings: Format; Indexing / tagging; Access; Chain of custody; Purpose of recordings (evidence / supplement); How to easily use, locate, retrieve; Long-term storage standards; Digital evidence use.

Redaction: Tools; When to; How to.

Retention: Retention periods; Minimum and maximum time; Official vs redacted recordings.

Risk: Recordings for claims; Other angles.

Sharing / Public Records: Only Non-commercial; Commercial; Limitations.

Vendors: Statement of need to push out to vendors; Procurement cooperation; List of eligible vendors.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

Survey: Scope of Work Group

Jerry Lucente-Kirkpatrick created a Survey to help determine which of the above 9 topics were seen as more important than others by our Work Group members. The Survey helped identify the Work Group's three main areas of interest:

Retention of Recordings

Privacy and Redaction

Technology (Architecture and Recordings)

It was decided that we would meet next as Subgroups of the main Work Group, to better discuss the three main areas of interest to members.

Monday, April 06, 2015 - Retention

The Retention Subgroup discussed several key aspects to the retention of Law Enforcement recordings:

Scope of "recordings" to be included

Definition of "recordings"

Two "types" of recordings based upon retention needs

Minimum retention period

Maximum retention period

The members discussed several retention period options:

One created by Jerry Lucente-Kirkpatrick, based upon current Law Enforcement Schedule

One from the Alabama Department of Records Management

One from the City of Baltimore

One from the City of Mesa

It was decided to use the Alabama model, and revise it to fit the needs of Arizona governments.

Thursday, April 16, 2015 – Privacy and Redaction

The P&R Subgroup discussed the issues surrounding privacy / access and then redaction. It was decided that privacy determinations should be left up to each individual government Agency to determine those privacy aspects that would guide them in the use of their Law Enforcement recording devices.

On the issue of redaction, the members discussed those concerns that could actually be supported by the Arizona Revised Statutes. The following list was developed:

- Graphic recordings (Flagstaff recording)
- Victim Rights [ARS 2.1; 13-4434 (pending revision per HB2166)]
- Juvenile Rights (ARS 1-602)

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

- Student restrictions on school grounds
- Eligible Persons (ARS 39-123)
- Law Enforcement specific (ARS 28-454)
- Medical Information (HIPAA restrictions)
- Refuse disclosure if recording is of a place where the public has no right to access

Thursday, April 23, 2015 – Technology (Architecture and Recordings)

The Technology Subgroup was hosted by the City of Avondale, and was chaired by Rob Lloyd, Chief Information Office of the City of Avondale. Rob was an excellent Chair, and the Subgroup developed the following Technology and Contractual focus points:

- Cloud-first is cleaner and easier
- Evidence Management v. Recording Management
- Warranty and Contracts
- Configuration
- Public Records Requests
- QA and practice assurance processes and procedures
- Administration rules
- Other

Monday, May 04, 2015 - Retention

CANCELED

This meeting was canceled by the Chair, Jerry Lucente-Kirkpatrick. The work on the records series / retention periods was nearly completed, and the Work Group members had expressed several different future options.

Jerry created a Survey for members to take, which would help provide guidance on what direction the Work Group wanted to pursue.

Monday, June 01, 2015 – Full Work Group

The next meeting went back to the full Work Group membership. The results of the Survey were discussed, along with the Law Enforcement Recordings records series and retention period. The members decided to hold meetings of two Subgroups, Privacy / Redaction and Technology. Each of the two Subgroups would have the opportunity to continue their discussions, and decide what they would like to do next.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

Thursday, July 16, 2015 – Privacy and Redaction

The P&R Subgroup was provided a follow-up on SB1300 by Christina Estes-Werther, General Counsel for the League of Arizona Cities and Towns. The members further discussed the Redaction Guidelines, and added to those.

Discussion was held on Chapter Two: Considerations for Implementation, from the Implementing a Body-worn Camera Program – Recommendations and Lessons Learned, from the Police Executive Research Forum (PERM). The discussion was valuable and useful, and helped answer most of the Risk Management concerns presented at an early ALERWG meeting.

It was decided that Jerry Lucente-Kirkpatrick would create a draft Summary Report of the ALERWG meetings and discussions, and then present that draft to the members for their consideration, review and comments.

Tuesday, July 28, 2015 – Technology (Architecture and Recordings)

CANCELED

This Technology Subgroup was canceled by Chair because of scheduling conflicts. Chair will continue to draft the Summary Report, and then distribute it to members for their input.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

APPENDIX F

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP MEETING AGENDAS AND SUMMARY NOTES

First ALERWG Meeting Summary, February 25, 2015

I wanted to let you all know that I am excited about the great synergy of our WG. Thanks to all of you for being a part of the WG, and for your contributions.

1. Don't forget to participate in the Survey. The earlier you do so, the better. I will then analyze the findings and get back with you all.

2. I have reviewed the Whiteboard from our first meeting, and organized the remarks into 9 topic categories:

Architecture: Where to store recordings; How to store; Hardware needs; Software needs; Interface

Consistency in AZ: Policies and Procedures; Guidance; Best practices; public expectations of recordings; LE expectations of recordings; When to record vs redaction

Privacy: Minors; "Innocent bystanders"; Disclaimer before recording?; Permission needed? Who can be recorded; who can't be recorded; General orders

Recordings: Format; Indexing / tagging; Access; Chain of custody; Purpose of (evidence/supplement); How to easily use, locate, retrieve; Long-term storage standards; Digital evidence use

Redaction: Tools; When to; How to

Retention: Retention periods; Minimum and maximum time; Official vs redacted recordings

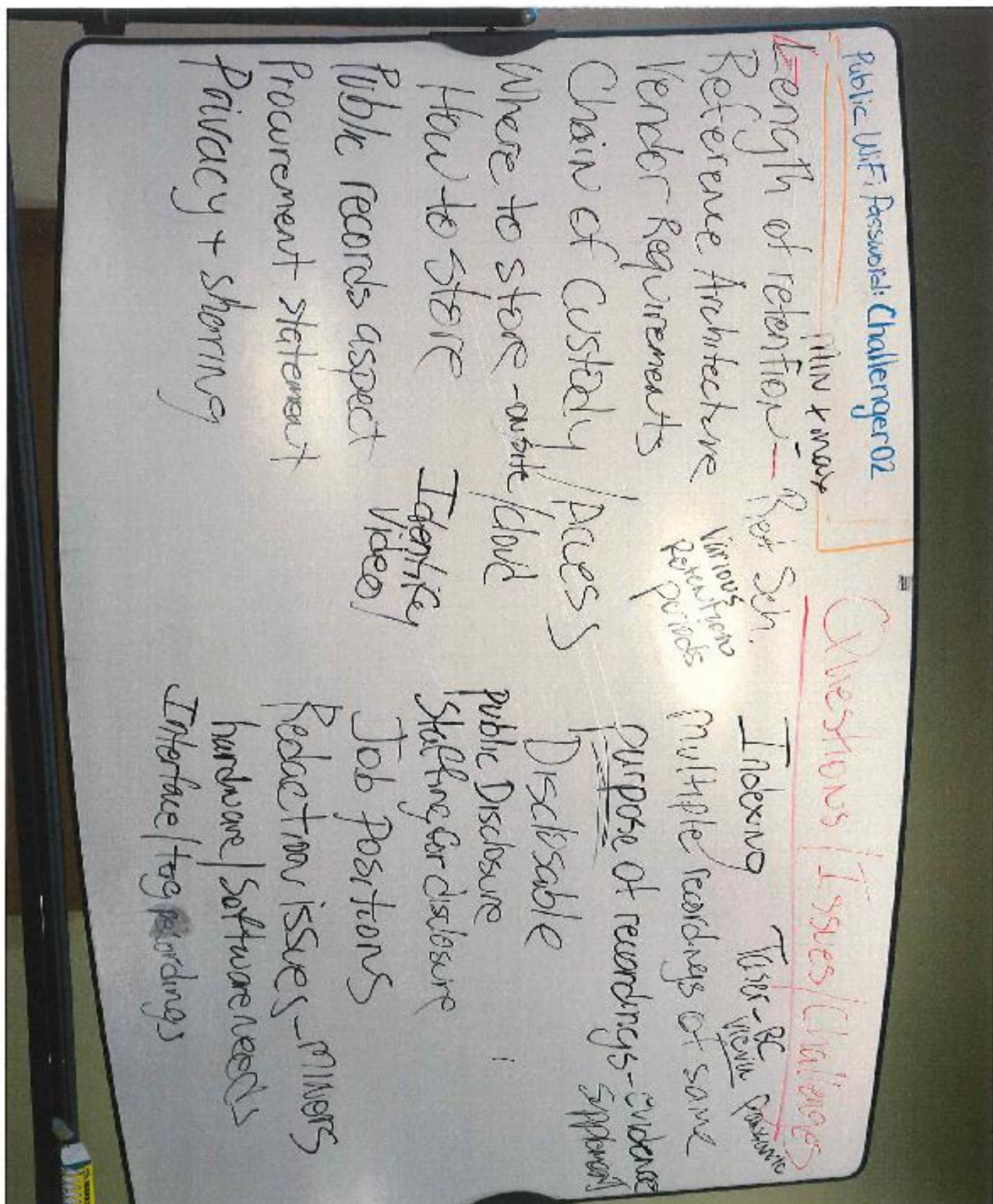
Risk: Recordings for claims; Other angles

Sharing / Public Records: Only Non-commercial? Commercial? Limitations?

Vendors: Statement of Need to push out to vendors; Procurement cooperation; List of eligible

3. I have attached a PDF of two photos of the Whiteboard, so you all can equally assess the information. (The photos themselves are too large to send.) Please let me know if you think my topic categories need to be edited.

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT



ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

Arizona Law Enforcement Recordings Work Group

April 6, 2015: SUBCOMMITTEE MEETING #1 (Retention & Access)

Future Meetings: Redaction and Privacy – April 16

Recordings and Architecture – April 23

SCOPE:

- Should RECORDINGS be used in reference to all types of recordings including dash cams, surveillance cameras, body cams, what about other forms of digital media?
- Record should be evaluated by purpose
- “Evidence” means used in court

RETENTION:

- If record becomes part of a case file, case retention prevails
- State Library statutorily required to define ADMINISTRATIVE VALUE minimum
 - Evaluation based on:
 - Historic Value?
 - Fed Regulation, State statute, etc.?
 - Business Need?
- Agencies should consider the level of risk they can bear when evaluating retention periods.
- Retention of all video varies from 90 days to 7 yrs.
 - Federal Civil Rights Violations must be filed within 2 yrs. of date of occurrence
 - + 90 days for service + 90 days for response = 30 month retention
 - MCSO Federal Monitors requiring all video is retained for 3 years
 - Maricopa County Attorney’s Office – 7 years
 - Scottsdale PD – 1 y
- Video provides additional case evidence and protects Civil Rights (officers/public)
 - 60% – 70% of video is “NO ACTION REQUIRED”
- How long is long enough to know if video will need to be retained longer?
 - Notice of Claim – 180 days to file
 - 1 year to file a case

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

- ALABAMA DEPARTMENT OF RECORDS

Audio/Video Recordings of Arrests. These records are created to provide protection for officers at initial traffic stops of motorists suspected of driving under the influence or other offenses. They may also document events occurring during arrest and booking

Recorded information that does not become part of a case file – Retain 6 months

Recorded information that becomes part of a case file – Retain until final disposition of all cases for which recording provides evidence.

- City of Mesa – Officers ‘tag’ video upon entry. If video is not classified upon entry, it is retained longer.
- No new retention for redacted versions
- No new retention for Public Records Requests
- Storage costs add up quickly – Evidence.com \$99/month

RECOMMENDED RETENTION 180 DAYS, AGENCIES MAY OPT FOR LONGER – IF CASE RELATED, VIDEO ASSUMES CASE RETENTION. (180 days based on Civil Rules for Procedure)

SHARING

- Is it a record? YES, is it all subject to disclosure? NO
- What is too graphic?
- Consent Form
 - Regularly used commercial requires consent form from ALL
 - No right to privacy in any officer contact
 - Parents Bill of Rights/ Victims Bill of Rights (privacy)
- Refuse disclosure where public has no right to access. Including places like the back room of a 7-11 where public would not normally be allowed to enter.
- Should all commercial requests be denied?

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

RISK MANAGEMENT

- If agency's have policies for on/off, consequences for non-compliance, officer privacy, etc. please share.
- Is redaction also risk based?
 - Public Privacy Rights not connected to release, but connected to how much redaction
 - Agency blurs all faces – can still see what is going on, cannot see faces.
- Need more guidance
- Law Enforcement retention is not consistent with Courts retention, Attorney Records. All s/b the same!

CONCLUSIONS:

RECOMMENDED RETENTION 180 DAYS, AGENCIES MAY OPT FOR LONGER – IF CASE RELATED, VIDEO ASSUMES CASE RETENTION

ALL LAW ENFORCEMENT, LEGAL, COURTS RETENTION SHOULD BE CONSISTENT

RISK WILL PLAY AN IMPORTANT ROLE IN REDACTION AND RETENTION; HOW MUCH RISK CAN AN AGENCY BEAR

PURPOSE OF VIDEO IS SUPPORTING EVIDENCE AND PROTECTION OF CIVIL RIGHTS FOR OFFICERS AND PUBLIC

PRIVACY AND GRAPHIC NATURE OF VIDEO SHOULD BE CONSIDERED BEFORE RELEASE

PLEASE SEND ANY REFERENCE MATERIALS INCLUDING, CASE LAW REFERENCES, STATUTES, STATISTICS, SUPPORTING DOCUMENTATION TO JERRY

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

Arizona Law Enforcement Recordings Work Group

April 16, 2015: Redaction and Privacy

Future Meetings: Recordings and Architecture – April 23

I. Introduction and Round-the-Room Introductions

II. Review DRAFT Records Series for LE Recordings LAPR Proposed DRAFT Records Series, Description and Retention Period:

Law Enforcement Recording Records

These recordings are created by Law Enforcement officers during the course of their shift. The recordings are classified into two categories: Documentation and Evidence, and include both original and redacted recordings.

a. Documentation

These are recordings that will not be used as evidence in a Crime Report and Investigation Record (Law Enforcement), Case Record (Legal), Court Case (Judicial), or other matter. In many instances, these recordings are of routine and transitory value.

i. No Action Needed

These records have been reviewed by Law Enforcement and determined that they will not be used in an evidentiary manner...**180 / 185 / 190 days after actual date of recording.** (Still trying to determine how much additional time is needed after the 180 day notification threshold)

~~ii. Uncategorized~~

~~These recordings have not been reviewed by Law Enforcement and determined to have any value...1 year after actual date or recording, but not before actual review and determination has been made.~~

Since no recordings can be destroyed before being reviewed and “categorized” there is really no such thing as an Uncategorized Recording. Work Group sees need to ensure all LE Recordings are viewed and categorized.

b. Evidence

These recordings will be used as evidence in a Crime Report (Law Enforcement), Case Record (Legal), Court Case (Judicial), or other matter...**Retain until final disposition of all cases for which recording provides evidence.**

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

III. LE Recordings – Privacy vs. Redaction

- What comes first – Privacy (when not to record) or Redaction (record but redact later)?
Several commented that this Work Group had No authority to determine policy (when, where to record/redact). We should be limited only to retention period for LE Recordings
- Do we need to balance Privacy (when not to record) and Redaction?
Several members stated that each specific Municipality or County and their Agency Policies will determine when and where to record.
- Is there a balancing test?
Yes, but Agency specific
- If so, what is the balance?
Agencies Policies will determine what and when to record.
- ~~Time and money spent redacting vs. not filming?~~
- ~~Public's expectations / perceptions of LE recordings?~~
- Do we want to recommend “when not to record” / Privacy guidelines?
One approach used briefly was to stop recording personally identifiable information (PII) and resume recording when PII has been gathered.

General consensus seems to see that this Work Group is not the place to make these determinations.
- What are others in the US / internationally doing with this?
General consensus seems to be with Agency specific Policy as guidance on LE Recordings.

IV. Privacy Guidelines from Retention Team

The following criteria, which were first proposed at the Retention meeting, were seen as guidance on when to redact or restrict and not guidance on “when not to record”

10. Graphic videos (Flagstaff recording of Officer killing)
11. Victim Rights [ARS 2.1; 13-4434 (pending revision per HB2166)]
12. Juvenile Rights (ARS 1-602)

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

13. Student restrictions on school grounds?
14. Eligible Persons (ARS 39-123)
15. Law Enforcement specific (ARS 28-454)
16. Medical Information (HIPAA restrictions)
17. Refuse disclosure if recording is of a place where the public has no right to access (Glendale PD?)

V. Risk Management Concerns That Relate to Redaction / Privacy of Recordings

1. Law Enforcement (LE) Officer's strict compliance with procedure and policy of when the camera must be turned on and when it can be turned off etc. (suggestion - written guidance and provide long-term training)
[Members stated that Policies are not a decision for this Work Group, but most agree, some guidance might be nice](#)

[Guidance on turning on the recordings varies from agency to agency, and is usually stated in Policy.](#)

[Agency should set policy "you will record under these circumstances / you will not record under these circumstances"](#)

2. Mandatory LE Officer compliance with descriptive tagging/indexing of video for retrieval purposes (suggestion - time reducing drop down lists)
[Agencies can also vary on when officers tag their recordings and evidence.com has customization on the amount of information that's tagged based on the agency and the package purchased through vendors like Taser or CAD.](#)
3. When will tagging / indexing occur, at the time of public contact or after shift; after a 12 hr. shift LE Officer may be tired versus too busy while working the street; which will provide the most accurate and reliable data? (Suggestion - Specify in procedure and policy).
[Some agencies have policies to tag their videos at the end of the shift, others can tag on scene or on their CAD's](#)

[Tagging occurs upon upload or may be systematically tagged through CAD system by matching with DR and the call an officer was sent on.](#)

4. Data Redaction as it relates to Public Records Requests and FOIA versus law and municipal code time constraints in place for delivery of requested info; (violation of our own code or laws?)

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

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Redaction depends on who's getting the recordings. If recordings are being provided to the County Attorney, they are usually not redacted, but recordings are provided in their entirety.

Most agencies are using evidence.com for hosting – maintains original plus all redacted versions

One full time redaction person

Multiple videos for 1 event

Redaction 1, redaction 2, redaction 3, etc – redaction is an overly on original

5. Officer's privacy rights (written protocol in place)
Discussed as covered by "Eligible Persons" exceptions in ARS Title 39.
6. Public's perception of the program (why & what will the videos be used for?)
We skipped this question.
7. Public's privacy rights (innocent family members, homes, offices/co-workers, confidential informants, witness, someone walking down the street etc.)
Policy – redact all PII, public space = release to public; private space – release to prosecutor
8. Who has access to the data? An officer, supervisor, a data administrator, prosecutors, IA? (define)
Agency Access – LE Officer, Prosecutors, Limited Supervisor Review, Admin, Patrol Standards audit (6/month), Professional Standards audit (6/month)
9. Who has viewing rights and when? (anytime or just prior to a court case, interview)
Officers who did the recordings, the data admin person, and anyone they (the admin person) gives short-term access to view recordings have access to them generally.

Agency Access – LE Officer, Prosecutors, Limited Supervisor Review, Admin, Patrol Standards audit (6/month), Professional Standards audit (6/month)
10. Who can edit / modify data (tampering concerns)?
Evidence.com is roles based, access is based on permissions. All History is logged
11. Who has data deletion and copying rights?
Deleting Recordings – Agency Policy: Memo to Lt who submits to professional standards for review w civil unit to make decisions about any detention

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

VI. Question and Answer Period

How much do you charge for Public Records copies of Recordings?

[Records Request – Charge flat rate \\$10/disk](#)

What tags are used for LE Recordings?

[Index by Badge # and Date](#)

How are LE Recordings uploaded to [Evidence.com](#)?

[Secure Docking, or upload via secure wi-fi w/ no security concerns](#)

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

Arizona Law Enforcement Recordings Work Group

April 23, 2015: Recordings and Architecture

Future Meetings: TBD

I. Introduction and Round-the-Room Introductions

II. Vendor vs. In-house Storage of LE Recordings

- Is there an advantage for using In-house storage of recordings? (cost, etc.)
Cloud Storage definitely seems to be cleaner and easier

In-house is not really practical considering the costs of Cloud storage via Evidence.com
- ~~If so, what are they?~~
- Is there an advantage for using vendor storage of LE recordings?
Yes.
- If so, what are they?
Going with evidence.com because they're a one-stop shop as far as security, storage, etc. They own TASER and work with amazon web server.

Makes contracting for equipment and storage much easier due to Taser and Evidence.com relationship
- Does the vendor contract contain language regarding:
 - Ownership of recordings (records) while in storage
 - Retention of recordings (records)
 - Safeguards for access / deletion of recordings (records)
 - Exit strategy for recordings in storage
 - Language for "responsibility" if vendor deletes recordingsAll of these questions will need to be considered against the contracts currently in place with Taser. Most of these questions could not be answered, and would need Procurement Office involvement.
- ~~Additional questions for consideration?~~

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

III. Questions regarding storage system for recordings

Concerns related to the Hardware / Software selection for storing LE Recordings

- Can / will the system:
 - Provide a robust records retention program to meet evidentiary / non evidentiary time constraints?
Yes. Retention can be set for recordings via Evidence.com
 - Allow redaction?
Yes, although redaction tool is not the most user-friendly

Redaction can be a problem if you have several videos to go through.

Redaction is the biggest time-consuming aspect of recordings and Evidence.com isn't all that user-friendly.
- Meet the demands for Chain of Custody purposes that will stand up in court?
Question presented, but not able to provide an answer, at this time
- Provide an Audit Trail / Log of who viewed / modified / deleted video data?
Yes. Evidence.com has very robust audit trail capabilities
- Can the data be shared across court systems and other operating platforms - with permission of course?
Need to have a License to Evidence.com, although a link can be provided for non-license viewing.
- Is the security layer single, double? Does security require a login?
Good security in place
- Who owns the data if using cloud computing? Municipality or vendor?
I don't remember this question being answered
- Is the data easily and *immediately* accessible, when needed?
Yes.
- Other questions regarding storage system for recordings?
- Format concerns for long-term storage of LE recordings?

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

- System / Access concerns for long-term storage of LE recordings?
- Any contractual concerns for long-term storage of LE recordings?
- Any contractual language that should be included in contract for storage of LE recordings?

These questions became the base for our discussion on LE Recording Architecture

IV. Law Enforcement Recordings Architecture

Evidence Management v. Video Management

- Bank on LA deal
- Standardize contracts
- Standardize for AZ retention periods
- Cost must be unlimited storage
- Assured playback
- Best terms assurance
- Exceptions to save longer

Warranty and Contracts

- Device failures and spares; 10% spare rate
- Disengagement terms
 - § Output format
 - § Massive method
 - § AWS
 - § Playable and openable save method and standards
 - § How to ensure preservation of native file

Configuration

- Feeds with Spillman/New World/Intergraph
- Support for Call and Disposition support for when calls escalate
- Video categorization by officers moot if CAD has data
- Mobile devices with wireless connection to MDC
 - § Pictures
 - § Tools
 - § Video
 - § Interviews
- Redaction tools essential

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

- Evidence management tools
- Native saves and layer saves with redaction
- Time stamping must match CAD/RMS

Public Records Requests

- Need guidelines from courts can we share
 - § Minors, health situations, corporate information, vice officers, informants
 - § Masked information
 - § Redaction types
 - § Secure location = No sharing
- Redaction is time consuming
- Standards for response
- Notification to other people and companies captured
- No activation and recording of cameras unless officer is in an unsafe situation and non-responsive; Officer initiated?
- Bio and personal activities are not a part of the public record; Okay to delete? How to standardize documentation?

QA and practice assurance processes and procedures

- Tactics
- Training scenarios
- Random audits
- Exceptional cases
 - § Lawsuits
 - § Deaths
 - § Use of force
 - § Accommodations

Administration rules

- Command staff
- Officers
- Evidence Managers
- Legal
- Risk
- IT
- Public

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

Other

- [Transcription tools](#)
- [Voice to text](#)
- [Dual on-body and on-dash uses](#)
- [In police car recording of “guests”](#)
- [Response time requirements for equipment support, fulfillment, and supply](#)
- [Regional Evidence and Video Management Agency](#)
- [Fees for video requests; Consistency of response in timing and visuals](#)

V. **Contract for LE Recordings Equipment and Storage**

We discussed the advantages of having a Statewide contract for both recording equipment and storage.

Contract could follow the Los Angeles Contract awarded to Taser.
[\(We will try and get a link to that contract.\)](#)

LA has a contract with TASER where they have unlimited data storage and two plans:
\$99/month/camera: replace guns every 5 years and cameras every 2.5 years.
\$79/month/camera- no replacement of guns and cameras.

We could try for a statewide contract through Arizona State Procurement Office

We could try for a contract for statewide use through local procurement

- [Lisa Nash was going to investigate contract opportunities through Maricopa County or Association Contract Organizations.](#)

Contractual language would need to include:

- Retention
- Long-term recordings needs:
 - Migration
 - Chain of Custody
 - Exit Strategy
 - Format considerations
- Non-Proprietary

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

Arizona Law Enforcement Recordings Work Group

June 01, 2015: Recordings and Architecture

Future Meetings: TBD

I. Introduction and Round-the-Room Introductions

II. Review DRAFT Records Series / Retention Period(s) for LE Recordings

- Reviewed changed language on definition and the added description on what it is
- Thought mentioned to remove the phrase “LE personnel” from documentary recordings record series
- Thought mentioned to tie the destruction trigger for evidentiary recordings to case records
- There was a discussion about the fact that post-conviction relief may take years after a trial ends and that it may not be a good benchmark point.
- There was also talk about leaving things up to the agencies after a certain point in the trial.
- There was a thought about whether redacted versions of records should be included in the definition of recordings or if they should be their own thing.

A. Documentation Retention

190 days (180 days plus some padding)

Minimum language (previous version)

Minimum / maximum language (current version)

- An idea was proposed by a risk management group to extend the time to 200 days to take the legal claims deadline into account along with some wiggle room.
- There was an opinion thrown out that the agencies should judge what they feel comfortable with based on their risk tolerance levels

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

B. Address issues / questions raised on Survey regarding Retention

(See Handout #2)

Question #3

Question #4

Comments to Question #4

C. Evidence (1.b.)

What are the instances when a “case” may not move forward to trial?

Is “until final disposition” an all-encompassing term?

Is additional language (in yellow highlight) needed?

- Most agencies do hold onto recordings during the trial process as evidence and it is the responsibility of the agencies to get the notification of the end of the legal process with the evidence.

D. License Plate Readers

(See Handout #1)

Review current records series / retention periods in LE Records - #5, #21

Are current records series / retention periods sufficient?

How are LPR records used?

How are LPR records handled?

When are LPR records destroyed?

Do LPR records ever become “evidence”?

Is there a retention period for LPR as “evidence”?

- There was discussion on license plate readers and how long the recordings need to be retained
- One opinion was that recordings have no purpose. Other opinions floated around were 6 months or 1 year.
- There was discussion to see if those recordings should have their own retention schedule or be added to the LE recordings schedule.
- Decision was made to add these as a separate records series to the Law Enforcement Records GRS, but retention would be determined at a later group.

E. CCTV Recordings

(See Handout #1)

Review current records series / retention periods in LE Records - #18

Are current records series / retention periods sufficient?

How are CCTV records used?

How are CCTV records handled?

When are CCTV records destroyed?

Do CCTV records ever become “evidence”?

Is there a retention period for CCTV as “evidence”?

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

- There was discussion on how long to retain the recordings- there was opinion thrown out that if the CC TV footage relates to a case, it would be good to have them along with the case records

F. When Records Series / Retention Schedule is Finished, Then What?

Disband WG? (39% / 12 responders)

Continue WG and move into other areas of interest?

(See Survey questions / comments for #5, #6, #7)

Public Records Access – 55% / 17 responders

Redaction guidance – 48% / 15 responders

Privacy guidance – 42% / 13 responders

Best Practices – 32% / 10 responders

LE Recordings Guidance – 29% / 9 responders

Create FAQs – 23% / 7 responders

Create contract – 23% / 7 responders

Policy for Others – 13% / 4 responders

Contractual language – 10 % / 3 responders

Create Subgroups with interest in continuing the work from above question?

Move WG from LAPR and into another Agency? (State, LE, Legal, etc.?)

- There was a discussion about the future direction of the workgroup after the retention schedule is created. The opinion floated around was to create specialized subgroups based on the issues discussed.
- It was decided that we would hold another round of meetings for the Redaction and Privacy subgroup and the Recordings and Architecture subgroup.
- After those two meetings, we could decide how to move forward.

G. If WG Moves Forward, What Do We Need?

Jerry's Recommendation:

1. Submit current approved / draft Policy, Procedure, Process language from LE WG members
2. Use approved / draft submissions to craft a DRAFT written statement (?) from ALERWG
3. Submit draft to WG for their review, comments, etc.

Other Recommendations for Next Actions?

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP SUMMARY REPORT

Arizona Law Enforcement Recordings Work Group
July 16, 2015: Recordings and Architecture
Future Meetings: TBD

I. Follow-up on SB1300

The Law Enforcement Officer Body Camera Study Group, created by SB1300, will be overseen by Sen. Kavanagh's Office. They may contact our Work Group members if Sen. Kavanagh wants any information or a presentation on our Work Group's efforts and the retention schedule.

The committee is in the process of forming, and will probably meet from October – December 2015.

II. Privacy Guidelines from Earlier Retention Team Meetings

ALERWG decided early on to leave Privacy issues up to each individual Law Enforcement Agency to determine, based upon local statutes, codes, etc.

Instead of considering universal privacy concerns that would determine when to film, what to film, who to film, etc., it was decided that LE will record what they view necessary.

In the place of privacy considerations on recording restrictions, LE would employ Redaction as its solution to Privacy / Access. Guidance on Redaction will be based upon statutory reference.

- 18. Eligible Persons Information Protected (ARS § 39-123; ARS § 28-454)
- 19. Juvenile Rights for Recordings (ARS § 1-602.9)
- 20. Medical Information – only if HIPAA covered entity (HIPAA restrictions – 45 CFR Part 160, etc.)
- 21. Parents Rights (ARS § 1-602)
- 22. Student Records / Information (ARS § 15-141)
- 23. Victim Rights (AZ Constitution Article 2, section 2.1; ARS § 13-4434)
- 24. Right to Privacy / Best Interests of the State - under Public Records Request concerns (These should not be used as a single reason to redact, but as a relevant factor to consider in balanced with the public's right to know.)

ARIZONA LAW ENFORCEMENT RECORDINGS WORK GROUP

SUMMARY REPORT

- Confidential Informants protection
- Graphic videos (Flagstaff recording of Officer killing)
- Should consider City of Phoenix case where release of a 911 recording (with a child in distress heard in the background) was denied but a full transcription of the 911 recording was provide in place of actual recording. Transcription was a good balance between protections of privacy vs. the public's right to know.
- Medical information
- Nudity (age of victim should be considered – child pornography)
- **This might be covered under Due Process Considerations – Rights of Familial Association. (If so, move up to a numbered category.)**
- Refuse disclosure if recording is of a place where the public has no right to access (Gilbert PD)
- Sensitive subjects (overly graphic details, homeland security discussions, investigation interviews, tactical details)

III. Discuss Chapter 2: Considerations for Implementation Article

The Chapter 2: Considerations for Implementation, from *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, produced by Department of Justice - Community Oriented Policing Services (COPS) and the Police Executive Research Form (PERF).

This Chapter proved to be a great stimulator of conversation. This Chapter, and our discussion, also helped address most of the Risk Management Questions that will follow.

During WG discussion, almost all of these topics either are, or should be included in the public body's LE Recordings Policy / Procedures.

This section will probably appear in our ALERWG Summary Report, under Risk Management.

A. General Concerns by Public

Close-ups allow for facial recognition

Access inside private homes

Access to sensitive situations / interactions

Need to balance Privacy concerns vs. Public's Right to Know / Transparency

B. Determining When to Record

~~Mandatory recording 24/7~~ (No WG Members have this practice)

Record LE incidents, activities and encounters only

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Define LE “related encounter or activity”

LE Recordings Policy should expressly describe when to record and why

Incidents not to record

- Should have specific lists of these incidents, and may vary by public body.

Situations when not to record

- Should have specific lists of these situations and may vary by public body.

Ask LE to document (on video, in writing) reasons when camera deactivated if they should have been recording

Goal: to sufficiently ensure accountability and adherence to Dept policies and protocols

C. Consent to Record

Arizona is “one-party consent”

Different Advise / Consent Practices in Arizona:

- Required to advise
- Encouraged, but not require
- If asked, then tell
- When practical
- Not required to record if it would be unsafe, impossible or impractical

Reasons for Advise / Consent: people behave better when they know they are being recorded.

D. Recording Inside Private Homes

When is it OK / not OK to film?

For most WG Members: if an officer is lawfully allowed to be in a place / location, then it is considered permissible to record.

Reason for concern: The public is concerned that recordings made insider their homes might be available to the public under a Public Records Request.

E. Data Storage and Disclosure

General Concerns

- Explicitly state who is authorized to access
- Under what circumstances can they access?
- Consult with Legal
- Detail how videos are uploaded – secured line, wifi,
- Detail how videos are tagged

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- Who tags videos?
- When do videos need to be tagged?
- Specify when videos must be downloaded into storage
- Specify who will download videos

Goal: Communicating your disclosure policy to public builds understanding and trust

Should be under Technology Section

- Major factors: security, reliability, integrity of recording, cost, technical capacity
- Explicitly prohibit data tampering, editing, and copying
- Include protections against, data tampering...
- Create / use audit system
- How videos are uploaded – secured line, wifi,
- How videos are tagged
- Ensure reliable back-up
- Third Party Vendor concerns

F. Public Disclosure

ALERWG decided early on to leave Privacy issues up to each individual Law Enforcement Agency to determine, based upon local statutes, codes, etc.

- Based upon PRR laws
- Based upon any Privacy / Protection laws
- LE must apply exceptions judiciously
- An LE officer may note in report that suspect / witness has concerns over the privacy of the recording
- There is no Arizona-wide requirement to accept and decide upon the concerns of the public that recordings may be confidential.

G. Training

Some LE Agencies currently provide training on:

- Recording / editing software
- Equipment / technology
- Redaction process
- LE Recordings Policy

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IV. Privacy / Redaction Discussion Continued

What does Subgroup want to do with Redaction and Privacy portion of ALERWG?

WG decided that Jerry would prepare a DRAFT Summary Report on Privacy and Redaction, and then the WG Members would review, edit, and decide next steps.

This Subgroup will be on hold until draft Summary Report has been prepared and distributed for review.

V. Risk Management Concerns That Relate to Redaction / Privacy of Recordings

The Chapter 2: Considerations for Implementation, from *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*, produced by Department of Justice - Community Oriented Policing Services (COPS) and the Police Executive Research Form (PERF).

This Chapter proved to be a great stimulator of conversation. This Chapter, and our discussion, also helped address most of the Risk Management Questions that will follow

12. Law Enforcement (LE) Officer's compliance with procedure and policy of when the camera turned on and when it can be turned off etc. (suggestion - written guidance and provide long-term training)

Many members agreed that some guidance might be nice

Guidance on turning on the recordings varies from agency to agency, and is usually stated in Policy.

Agency could set policy "you will record under these circumstances / you will not record under these circumstances"

13. LE Officer compliance with descriptive tagging / indexing of video for retrieval purposes (suggestion - time reducing drop down lists)

Agencies can also vary on when officers tag their recordings and evidence.com has customization on the amount of information that's tagged based on the agency and the package purchased through vendors like Taser or CAD.

14. When will tagging / indexing occur: at the time of public contact or after shift; after a 12 hr. (shift LE Officer may be tired versus too busy while working the street)

What specification will provide the most accurate and reliable data? (Suggestion - Specify in procedure and policy).

Some agencies have policies to tag their videos at the end of the shift, others can tag on scene or on their CAD's

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- Tagging occurs upon upload or may be systematically tagged through CAD system by matching with DR and the call an officer was sent on.
15. Data Redaction as it relates to Public Records Requests and FOIA versus law and municipal code time constraints in place for delivery of requested info; (violation of our own code or laws?)
Redaction depends on who's getting the recordings. If recordings are being provided to the County Attorney, they are usually not redacted, but recordings are provided in their entirety.

Most agencies are using evidence.com for hosting – maintains original plus all redacted versions
One full time redaction person
Multiple videos for 1 event
Redaction 1, redaction 2, redaction 3, etc – redaction is an overly on original
16. Officer's privacy rights (written protocol in place)
Discussed as covered by "Eligible Persons" exceptions in ARS Title 39.
17. Public's perception of the program (why & what will the videos be used for?)
Communicate Disclosure policy to public – builds understanding.
18. Public's privacy rights (innocent family members, homes, offices / co-workers, confidential informants, witness, someone walking down the street etc.)
Policy – redact all PII,
Public space = release to public;
Private space – release to prosecutor
19. Who has access to the data? An officer, supervisor, a data administrator, prosecutors, IA? (define)
Agency Access – LE Officer, Prosecutors, Limited Supervisor Review, Admin, Patrol Standards audit (6/month),
Professional Standards audit (6/month)
20. Who has viewing rights and when? (anytime or just prior to a court case, interview)
Officers who did the recordings, the data admin person, and anyone they (the admin person) gives short-term access to view recordings have access to them generally.
Agency Access – LE Officer, Prosecutors, Limited Supervisor Review, Admin, Patrol Standards audit (6/month), Professional Standards audit (6/month)

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21. Who can edit / modify data (tampering concerns)?

Evidence.com is roles based, access is based on permissions. All History is logged

22. Who has data deletion and copying rights?

Deleting Recordings – Agency Policy: Memo to Lt who submits to professional standards for review w civil unit to make decisions about any detention

VI. Additional Applicable Statutes & Links

Civil Rights Time Limitations 42 U.S.C. 1983

What is the time limitation under this Code?

Notice of Claim ARS §12-821.02

Time Limitations ARS § 13-107

Autopsy Records ARS § 11-597.02

Crime Victims – Attorney General’s Office website (includes constitutional and statutory provisions)

<https://www.azag.gov/victim-services/victim-services-0>

Attorney General’s Handbook for State Agencies – Chapter 6 Public Records

<https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch06-2013B.pdf>

VII. Law Enforcement Associations of Interest

The possibility of working with LE Associations, or having the Association review the ALERWG Summary Report was discussed. The following list are some of the LE Associations that were proposed:

Arizona Association of Chiefs of Police (**AACP**)

International Association of Chiefs of Police (**IACP**)

Local Legal Advisors Group to Law Enforcement (**Informal**)

Police Executive Research Forum (**PERF**)

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Arizona Law Enforcement Recordings Work Group

October 13, 2015: Recordings and Architecture

Future Meetings: TBD
